

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Government,

HONORABLE GEORGE CARAM STEEH

v.

No. 15-20652

D-3 EUGENE FISHER,
D-4 COREY BAILEY,
D-6 ROBERT BROWN,
D-13 ARLANDIS SHY,
D-19 KEITHON PORTER,

Defendants.

JURY TRIAL

Monday, July 23, 2018

- - -

APPEARANCES:

For the Government:

JULIE FINOCCHIARO, ESQ.
JUSTIN WECHSLER, ESQ.
TARE WIGOD, ESQ.
MARK BILKOVIC, ESQ.
Assistant U.S. Attorneys

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HENRY M. SCHARG, ESQ.
On behalf of Eugene Fisher

CRAIG DALY, ESQ.
KEITH SPIELFOGEL, ESQ.
On behalf of Corey Bailey

JAMES FEINBERG, ESQ.
On behalf of Robert Brown

MARK MAGIDSON, ESQ.
JOHN THEIS, ESQ.
On behalf of Arlandis Shy

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STEVEN SCHARG, ESQ.
On behalf of Keithon Porter

- - -

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Proceedings recorded by mechanical stenography.
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E X H B I T S

<u>Identification</u>	<u>Offered</u>	<u>Received</u>
Government Exhibit Nos. 408A-G	6	6
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Detroit, Michigan

Monday, July 23, 2018

At 8:50 a.m.

- - -

(Proceedings held with jury.)

THE COURT: Okay. You can all take a seat.

Good morning, everyone.

Ms. Finocchiaro?

MS. FINOCCHIARO: Thank you. The government calls -- recalls Officer Christian Kerr.

THE COURT: Good morning. You are still under oath.

C H I R S T I A N K E R R

DIRECT EXAMINATION CONT.

BY MS. FINOCCHIARO:

Q. Good morning, Officer Kerr.

A. Good morning.

Q. The last time you were here, we were discussing your investigation on 5-8-2015, the homicide, is that right?

A. Yes.

1 Q. Okay. I believe as part of your testimony, there
2 was some discussion where Marker 11 was, which was the
3 .223 casing, is that right?

4 A. Yes.

5 Q. And were you able to look back at some photos and
6 find where that casing was located?

7 A. Yes.

8 Q. I will show you what's been marked as Government
9 Exhibit 408A through 408G.

10 Are those photos of the scene from 5-8-2015?

11 A. They are.

12 **MS. FINOCCHIARO:** Move for admission of
13 Government Exhibit 408A through G.

14 **THE COURT:** Any objection?

15 **MR. DALY:** No.

16 **THE COURT:** All right. They are received.

17

18 **BY MS. FINOCCHIARO:**

19 Q. Please step down with the microphone and laser, and
20 go to 408A.

21 What do we see in this photo?

22 A. This is the intersection of Craft and Duchess. This
23 is Duchess and this street is Craft.

24 Q. I know the last time you said the majority of the
25 casings were found on Duchess, is that right?

1 A. Yes.

2 Q. So if we go to 408B, what are we looking at here?

3 A. This is the same shot moving more towards Craft, and
4 this is Craft.

5 Q. 408C is a little dark. What do we see?

6 A. That's a shot looking down Craft. You can make out
7 two placards, one here and one here.

8 Q. And go to 408D. What do we see here?

9 A. This is a better shot of the -- a better shot of the
10 two placards, one here and one here.

11 Q. And 408E?

12 A. This is another shot of the two placards, one here
13 and one here.

14 Q. Because it's been awhile, what do the placards
15 indicate?

16 A. Evidence that we are collecting.

17 Q. And 408F. What are we looking at here?

18 A. This is a close-up of Placard 10 in particular.
19 Eleven is in the back. This looks to be some broken glass
20 and pills that we collected.

21 Q. This is Marker 10, is that right?

22 A. Yes.

23 Q. And finally 408G. What do we see here?

24 A. That's Placard 11 where we collected the .223
25 casing.

1 Q. This is on Craft?

2 A. Yes.

3 Q. You can have a seat. Thank you.

4 So we saw a series of photos. Are those series
5 where you're walking down Craft? Like, if you were to
6 turn the corner from Duchess to Craft, you would be
7 walking down Craft, is that right?

8 A. Yes.

9 Q. They were in order of walking around the corner, so
10 that final one on Craft which is where Marker 11 was?

11 A. Yes.

12 Q. And again, do you have an exact measuring location
13 of Marker 11 or do we have it based on the visual photos?

14 A. I don't recall measuring it. I didn't see it in the
15 report. So I'm relying on the photos.

16 Q. Okay. So based on -- actually, you can put 408G
17 back up there.

18 After you walked around corner down Craft -- I'm
19 sorry. 408F.

20 It looks like Marker 11 was the furthest on
21 Craft?

22 A. Yes.

23 Q. So farthest from the corner, from the intersection?

24 A. Yes, from the intersection of Duchess and Craft.

25 Q. The intersection of Duchess and Craft?

1 **A.** Yes.

2 **MS. FINOCCHIARO:** No further questions, your
3 Honor.

4 **THE COURT:** All right. Thank you.
5 Mr. Theis, you may proceed.

6 **MR. THEIS:** Thank you, your Honor.

7

8 **CROSS EXAMINATION**

9

10 **BY MR. THEIS:**

11

12 **Q.** Good morning, again, Officer Kerr.

13 **A.** Good morning.

14 **Q.** I just want to understand what you said. You said
15 just a few moments ago in your testimony that Marker 11 --
16 that's the one that you testified about earlier in the
17 trial -- and you said that one was found in a different
18 location from the others, is that correct?

19 **A.** Yes, it was on Craft.

20 **Q.** Well, in your report -- did you make a report on
21 this?

22 **A.** I did not actually make a report. My partner did.

23 **Q.** You and Officer Herriotte -- or Evidence Technician
24 Herriotte -- kind of collaborated and put together the
25 report?

1 A. Yes.

2 Q. You told him what you discovered, he told you what
3 he discovered, and you put it together in a report?

4 A. Yes.

5 Q. Does the report state that the casing, the .223
6 casing -- and that's the one that was unique -- there was
7 only one .223, is that correct?

8 A. Yes.

9 Q. And that's the one that you told us earlier that you
10 didn't originally see because it was in a different
11 location from the others, right?

12 A. That's correct.

13 Q. And it was at the end -- it was at the end of your
14 work, your efforts out there where you were photographing
15 and putting down markers, that you had discovered that
16 after you had put down the other markers, right?

17 A. Yes.

18 Q. And you told us today it was found on Craft. When
19 you testified earlier, you didn't know specifically the
20 foot and inches as you did with all of the other items
21 because you had not included that in your report, is that
22 correct?

23 A. That's correct.

24 Q. And was there a specific reason you did not identify
25 how many feet it was and how many inches it was from the

1 others?

2 A. I don't know. It could have been an oversight, or
3 it would have been something that was in the notes that
4 didn't get put in the report. I didn't actually author
5 the report. I don't actually know.

6 Q. Do you know as you sit here today how far away it
7 was from the other items?

8 A. No, I don't.

9 Q. Well, in the photograph that you -- the series of
10 photographs, 10 and 11 are separate markers, is that
11 correct?

12 A. Yes.

13 Q. And you remember what Item 10 was?

14 A. Not off the top of my head. I believe that was the
15 pills.

16 Q. Okay. It wasn't either a live round or a casing
17 from that evidence?

18 A. No.

19 Q. Shots being fired?

20 A. No. My recollection is that all the fired evidence
21 except for 11 was found on Duchess.

22 Q. But again, the only bullet casing in the photograph
23 with that other item, which you believe may have been the
24 pills, is that .223 that was found on -- that you say was
25 found on Craft. Do you have even like a sense of what the

1 address of the building was?

2 A. I don't have it in the photo, no.

3 MR. THEIS: If I could have one moment, your
4 Honor.

5 Nothing further, Judge.

6 THE COURT: Thank you, Mr. Theis.

7 Any other cross examination?

8 Thank you, Officer Kerr. You may step down.

9 MS. FINOCCHIARO: I'm sorry, your Honor. I
10 do have a couple of questions.

11 THE COURT: Okay.

12
13 REDIRECT EXAMINATION

14
15 BY MS. FINOCCHIARO:

16
17 Q. Officer, you were discussing the location of 10 and
18 11 again, and if you were to look at your report, would
19 you be able to see if 10 had a location?

20 A. I think the pictures would be better.

21 Q. Okay.

22 A. I don't know if it is listed in the report.

23 Q. Let me give you a copy of the report. If you would,
24 take a look at it.

25 A. Okay. Thank you. Yes, it doesn't list exactly

1 where it was found.

2 Q. You said based on the picture --

3 A. The pictures would show.

4 Q. We ran through them a little quickly. Let's go
5 through them again to explain what we are looking at.

6 A. Yes.

7 Q. 408A, do you know what house this is on the corner
8 of Duchess and Craft?

9 A. Oh, I apologize. I didn't mean these pictures, but
10 the picture last time, where I had a shot of the address.

11 Q. Okay.

12 A. I apologize.

13 Q. No problem. Go to 3900. I believe this is on
14 Duchess?

15 A. That's Duchess, correct.

16 Q. It looks like there is a cluster of markers, is that
17 right?

18 A. Yes.

19 Q. Okay. And based on the report, what caliber of
20 casings were found at these locations?

21 A. I have to refer to my report. There were .45
22 caliber and 7.62 x 39 millimeter caliber on Duchess.

23 Q. Okay?

24 A. So two different calibers.

25 Q. How many .45 caliber was there?

1 A. Six.

2 Q. How many 7.62?

3 A. Two.

4 Q. Okay. Go to 390X. What do we see here?

5 A. That's the intersection. I'm actually on Duchess
6 looking down Craft.

7 Q. Okay. This is a picture that we saw. The new ones
8 that we saw today, that is the same house?

9 A. Yes. Craft is to the left, and this picture is
10 going up, and Duchess on the right. You can see the
11 placards on Duchess.

12 Q. 390Q. What are we looking at?

13 A. This is Craft.

14 Q. This is another look at the pictures that we were
15 looking at earlier that had 10 and 11 in the photos?

16 A. Yes. This is before we placed the placards down.

17 Q. And 390R. What is this?

18 A. This is the corner house.

19 Q. 390S. What address do we see?

20 A. 11108 Craft.

21 Q. Moving down further, 390T, what do we see?

22 A. Those are the pills.

23 Q. And there was broken glass?

24 A. Yes, there's broken glass as well.

25 Q. And 390U. What do we see?

1 **A.** That's me showing which house the pills were in
2 front of.

3 **Q.** Go to 390V, and what is the address?

4 **A.** 11114 Craft.

5 **Q.** This would be a little bit further down from 11108,
6 right?

7 **A.** Yes, next house I believe.

8 **Q.** And go to 390C -- not that one.

9 Okay. Those are the houses that we looked at
10 before with regards to where the glass and the pills would
11 be located?

12 **A.** That's correct.

13 **Q.** And looking at the photos today, the .223 casing,
14 which is Marker 11, is farther down Craft?

15 **A.** That's correct.

16 **MS. FINOCCHIARO:** One moment, your Honor.

17 No further questions.

18 **THE COURT:** Thank you.

19 **MR. THEIS:** We have nothing further.

20 **THE COURT:** Any others? You may step down.

21

22 (Witness excused.)

23

24 **MS. FINOCCHIARO:** At this time the government
25 calls Officer Matthew Gerebics.

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M A T T H E W G E R E B I C S

being first duly sworn by the Court to tell the truth, was examined and testified upon his oath as follows:

THE COURT: You can take a seat. We will begin by having you state your name and spelling your last name.

THE WITNESS: Matthew Gerebics,
G-e-r-e-b-i-c-s.

DIRECT EXAMINATION

BY MS. FINOCCHIARO:

Q. Good morning, officer.

A. Good morning.

Q. Where do you work?

A. The City of Roseville Police Department.

Q. How long have you worked for them?

A. About 18 years now.

Q. Where is Roseville located?

A. It's in Macomb County, two miles north of Eight Mile.

Q. What is your current assignment with the Roseville

1 Police Department?

2 A. Road patrol.

3 Q. And taking you back to June 7, 2015, what was your
4 assignment at that time?

5 A. Working road patrol, ma'am.

6 Q. On that date, June 7, 2015, were you called up to
7 the shooting investigation?

8 A. Yes, ma'am.

9 Q. Where were you called to?

10 A. The Athena Hall in Roseville.

11 Q. And who were you working with at that time?

12 A. I believe that day was myself, Officer Raimer,
13 Officer Trewhella, Officer Rushton and a couple of other
14 officers.

15 Q. So when you first got there, what did you see?

16 A. When we first arrived, saw some blood on the
17 sidewalks, some casings, bullet casings in the parking
18 lot, and several other pieces of evidence scattered
19 throughout the parking lot.

20 Q. Did you work with Officer Raimer to document that
21 evidence?

22 A. Yes, ma'am.

23 Q. And to collect it?

24 A. Yes, ma'am.

25 Q. I will show you photos that have been marked as

1 Government Exhibits 422C through I, and can you explain to
2 the jury what those photos are?

3 A. These are pictures of the Athena Hall.

4 Q. And is that a fair and accurate depiction of how it
5 looked the night of your investigation?

6 A. Yes, these were taken at night.

7 MS. FINOCCHIARO: Move for admission of
8 Government Exhibits 422C through I.

9 THE COURT: Any objection? Hearing none, the
10 Court will receive the items.

11
12 BY MS. FINOCCHIARO:

13 Q. If we can publish 422C. Officer Gerebics, if you
14 can step down and explain to the jury what we're seeing
15 here.

16 A. This is the front of Athena Hall here. This would
17 be the building. It is on northbound Gratiot just south
18 of Frazho.

19 Q. Where was the entrance to the building?

20 A. The entrance would be right about here where it says
21 the open sign.

22 Q. Okay. And does it look like a driveway where the
23 van is?

24 A. Yes, ma'am. This is like a circle driveway here.
25 This is a driveway that goes to the back, so there's more

1 parking in the back, and this is a long drive with an
2 overhang.

3 Q. And go to 442D. What do we see here?

4 A. This is the front of the Athena Hall, the overhang
5 where the open sign was at.

6 Q. Go to 422E, and what do we see here?

7 A. This is the front of Athena Hall, the underneath
8 overhang. This is an evidence marker that we use to mark
9 evidence, and this would be a blood splatter mark here.

10 Q. Go to 422F. What do we see here?

11 A. This is again part of the circle driveway here of
12 Athena Hall. These would be more evidence markers that we
13 would use to mark different pieces of evidence throughout
14 the parking lot.

15 Q. And how about 422G. This is another view of the
16 same thing?

17 A. Yes, the circle driveway, just the other way.

18 Q. It looks like the markers are boxes.

19 A. The are just aluminum boxes with reflective tape on
20 all four sides so they can be picked up in different
21 lighting conditions at night, during the day just so we
22 can see them and make it easier. One side is numbered,
23 one side has white tape, red tape and yellow tape.

24 Q. What does did indicate?

25 A. Nothing. It just makes it easier to see them in

1 case of we have to mark things at the scene.

2 Q. And 422H?

3 A. This is the circle driveway. It's a different view
4 of the evidence markers again.

5 Q. It looks like it was all clustered in the same
6 location in the parking lot?

7 A. Yes, ma'am, like right near the circle driveway in
8 front of the building.

9 Q. And 442I. What are we looking at here?

10 A. The front of the Athena Hall. The entrance would be
11 here. This is would be like a side entrance door to the
12 kitchen, and these are just the evidence markers farther
13 to the left of the doorway.

14 Q. Let's keep that up, and I'll let you have a seat
15 again.

16 Describe to the jury the evidence markers and
17 evidence that was collected, what it was that was
18 collected in this case.

19 A. On this day we collected a bullet, several shell
20 casings from spent rounds, the actual bullet piece that
21 hit something and fragmented, pieces of taillight.

22 Q. Okay. Do you recall how many rounds or casings that
23 you collected from the scene, and you can reference your
24 report.

25 A. So there was one live round, and it appears to be

1 seven bullet casings.

2 Q. Okay. Do you indicate on your report the caliber of
3 the casings?

4 A. Yes, ma'am, .40 caliber.

5 Q. So the seven spent round casings were .40 caliber?

6 A. Yes.

7 Q. And the live round?

8 A. .40 caliber as well.

9 Q. When we're talking about a live round, what does
10 that mean versus a casing?

11 A. It's the casing with a bullet inside of it and gun
12 power still in there. It has not been fired yet.

13 Q. A casing has been fired?

14 A. Correct.

15 Q. And you said there were pieces of taillight, like
16 from a vehicle?

17 A. Yes, ma'am.

18 Q. I will show you what has been marked as Government
19 Exhibit 431 for identification. Can you explain to the
20 jury what is Government Exhibit 431, the two bags?

21 A. In this bag here, these are the spent casings. This
22 would be the live round here still unopened.

23 Q. Actually go ahead and open it, and we will show it
24 to the jury. This is the spent casing versus a live
25 round?

1 **A.** Yes. This is the spent casing. This is the live
2 round.

3 **Q.** Is that what's in both of the bags, spent casings
4 and the live round?

5 **A.** And in this bag would be the bullet fragments here.

6 **Q.** I will give this back to you.

7 And when we're talking about bullet fragments
8 what are we talking about?

9 **A.** A piece of bullet that when it would hit something,
10 it fragmented into different pieces. Kind of like this,
11 ma'am.

12 **Q.** That was also located in that cluster that we saw at
13 the scene?

14 **A.** Yes, ma'am.

15 **Q.** Were you able to determine, based on your part of
16 the investigation, what caliber casing the fragments were?

17 **A.** I was not.

18 **MS. FINOCCHIARO:** I apologize. I didn't move
19 to have the evidence admitted earlier.

20 I would now move for admission of 431.

21 **THE COURT:** Any objection to receiving those
22 items? Hearing none, the Court will receive it.

23 **MS. FINOCCHIARO:** I apologize. Nothing
24 further.

25 **THE COURT:** Thank you. Any cross examination

1 apparently not? You may step down.

2 **THE WITNESS:** Thank you.

3
4 (Witness excused.)

5
6 **T H O M A S T R E W H E L L A**

7
8 being first duly sworn by the Court to tell the truth, was
9 examined and testified upon his oath as follows:

10
11 **THE COURT:** You can take a seat. We will
12 have you begin by stating your name, spelling your last
13 name.

14 **THE WITNESS:** Thomas Trehella,
15 T-r-e-w-h-e-l-l-a.

16 **THE COURT:** You may proceed.

17
18 **DIRECT EXAMINATION**

19
20 **BY MS. FINOCCHIARO:**

21
22 **Q.** Good morning, officer.

23 **A.** Good morning.

24 **Q.** Where do you work?

25 **A.** City of Roseville.

1 Q. And how long have you worked for them?

2 A. Four years.

3 Q. What is your current assignment?

4 A. Patrol officer.

5 Q. And taking you back to June 7, 2015, what was your
6 assignment?

7 A. I was a patrol officer on that date.

8 Q. Were you called out to assist in a shooting
9 investigation?

10 A. I was.

11 Q. Where were you called to?

12 A. Athena Banquet Hall.

13 Q. And who were you working with that day?

14 A. I was a solo patrol officer. I do not have a
15 partner.

16 Q. But were you in uniform?

17 A. I was in full uniform and a fully marked scout car.

18 Q. What happened when you got there?

19 A. When I got there, I went to assist with scene
20 preservation. I observed spent bullet casings on the west
21 side of the parking lot on the ground.

22 Q. Scene preservation. What do you mean by that?

23 A. Holding the scene so the evidence stays where it is,
24 so it can be documented and later analyzed.

25 Q. Somebody will come later to document and analyze the

1 evidence?

2 A. Correct.

3 Q. Once you were done with scene preservation, did you
4 go anywhere else as part of the investigation?

5 A. Dispatch advised me that a victim was privately
6 conveyed to St. John Macomb Hospital. I went to interview
7 the victim and any witnesses that were there.

8 Q. Do you remember the name of the victim?

9 A. Darnell Canady.

10 Q. You said that you did go to the hospital to
11 interview and to document any evidence?

12 A. Yes.

13 Q. While you were there, did you have opportunity to
14 take a photo of Mr. Canady's injuries?

15 A. I did.

16 Q. I will show you what's been marked as 422L. Can you
17 explain to the jury what Government Exhibit 422L is?

18 A. It is a photo of Mr. Canady's injuries. It's a
19 gunshot wound on the front of his right leg, in-between
20 below the right knee and above the right ankle.

21 Q. Is that the photo that you took at the hospital that
22 day?

23 A. Yes.

24 MS. FINOCCHIARO: Move for admission of
25 Government Exhibit 422L.

1 **THE COURT:** Any objection? The Court will
2 receive the item.

3

4 **BY MS. FINOCCHIARO:**

5 **Q.** And if we could publish Government Exhibit 422L.
6 And what do we see in the photo?

7 **A.** It is a gunshot wound on the victim's right leg.

8 **Q.** If you could step down and show us the location of
9 the injury.

10 **A.** So right there is the gunshot wound on the right
11 side of his leg. It's in-between his right knee and the
12 right ankle on the front of his leg.

13 **MS. FINOCCHIARO:** Thank you, officer. No
14 further questions.

15 **THE COURT:** Any cross examination? Apparent
16 not. You're done.

17 **THE WITNESS:** Thank you, your Honor.

18

19 (Witness excused.)

20

21 **MS. FINOCCHIARO:** At this time the government
22 would call Officer Berger.

23

24 **A N D R E W B E R G E R**

25

1 being first duly sworn by the Court to tell the truth, was
2 examined and testified upon his oath as follows:

3
4 **THE COURT:** We will have you begin by stating
5 your name and spelling your last name.

6 **THE WITNESS:** Andrew Berger, B-e-r-g-e-r.

7 **MR. WECHSLER:** Pull the microphone closer to
8 you.

9 **THE COURT:** You made proceed.

10
11 **DIRECT EXAMINATION**

12
13 **BY MR. WECHSLER:**

14
15 **Q.** Clearly you're a police officer?

16 **A.** Yes, sir.

17 **Q.** Who do you work for?

18 **A.** City of Roseville.

19 **Q.** How long have you worked for Roseville?

20 **A.** Since 2004.

21 **Q.** About 14 years?

22 **A.** Yeah.

23 **Q.** What assignments have you had with Roseville?

24 **A.** Patrol officer, detective bureau, patrol sergeant
25 and detective sergeant, special investigation.

1 Q. How is a detective sergeant differ from a regular
2 detective?

3 A. Just a different rank.

4 Q. Okay. Are you still a detective?

5 A. Yes, sir.

6 Q. Do you investigates crimes equally?

7 A. Yes.

8 Q. What was your rank on June 7, 2015?

9 A. Detective.

10 Q. Were you called to assist in a shooting that day?

11 A. Yes.

12 Q. Where did you respond to?

13 A. To Athena Hall.

14 Q. When you got there, what did you see?

15 A. There was a crowd. There were several officers
16 already there. I was there after the fact, and I was
17 asked to assist in the scene.

18 Q. So when you got to the scene, what did you do?

19 A. I spoke to a couple of witnesses, and then
20 determined to try to obtain surveillance video. There was
21 a dealership next door.

22 Q. Was there a surveillance video at Athena Hall
23 itself?

24 A. I don't believe so. I didn't look into it, but I
25 don't believe there was.

1 Q. You said there was a dealership next door?

2 A. Yes.

3 Q. Did you go to the dealership?

4 A. Yes.

5 Q. And when you got there, what evidence did you
6 collect, if any?

7 A. I spoke with the employee who assisted me with their
8 video surveillance. There is an exterior camera. The
9 dealership is just north of Athena Hall, and on the south
10 side of the dealership there was an exterior surveillance
11 camera. We were able to obtain a video of the parking lot
12 where the incident took place.

13 Q. The dealership borders with Athena Hall?

14 A. Yes.

15 Q. When you are -- when you say that you obtained this
16 video, what form did you take it? Was it a disc, video
17 tape? What was it?

18 A. I believe it was USB.

19 Q. USB?

20 A. Yes.

21 Q. When you took that video, did it appear to you that
22 the video system was working correctly in capturing what
23 happened?

24 A. Yes.

25 Q. What angle did it capture?

1 **A.** It was pointing southwest.

2 **Q.** So was it able to capture Athena Hall?

3 **A.** The front parking lot. There's a circle drive. It
4 was able to get a good portion of the parking lot, the
5 circle drive area I should say.

6 **Q.** And did you -- you said that you had a USB that you
7 took. Did you alter it?

8 **A.** No.

9 **Q.** Did you put it in evidence?

10 **A.** Yes.

11 **Q.** Have you watched that tape apart from the
12 dealership? Have you watched it again?

13 **A.** Yes.

14 **Q.** Does it depict the same thing as when you watched it
15 that day at the dealership?

16 **A.** Yes.

17 **MR. WECHSLER:** Your Honor, at this time I
18 would like to move 435 into admission, that video.

19 **THE COURT:** All right. Any objection? The
20 Court will receive it item.

21

22 **BY MR. WECHSLER:**

23 **Q.** I will start the video from the beginning, and you
24 can explain to us what angle we are looking at.

25 (Video played.)

1 Pause it briefly.

2 What is the angle that we are looking at here?

3 **A.** Like I said, there is a dealership on the north side
4 of Athena Hall. This angle would be a southwest angle.

5 **Q.** So the parking lot that's in the foreground closest
6 to us, is that Athena Hall's parking lot?

7 **A.** No. There's a curb line. If you see where the
8 white pick up is, there's a curb line in just front of it.
9 That's what I assume would be the property line, and it
10 separates the two parking lots from the dealership.

11 **Q.** The parking lot closest to us is the dealership?

12 **A.** Yes.

13 **Q.** And Athena Hall is the building that is further on?

14 **A.** Yes. You can see the red lit up sign, the Athena
15 Hall sign, and then there's a statute in the middle of the
16 circle drive, and it looks like some foliage.

17 **Q.** Go ahead and play the video. Is there any sound in
18 this video?

19 **A.** I don't recall there being any sound.

20 **Q.** Okay.

21 (Video played.)

22 Let's pause it there. So you saw people in
23 that -- people walking, right?

24 **A.** Yes.

25 **Q.** And first off, where is the entrance to Athena Hall,

1 if you're familiar with it?

2 A. You know, I think there's a couple of actual
3 entrances, but the entrance and exit right here at the
4 circular drive that you can see there, they are separated
5 by what looks like a little island.

6 Q. Actually I will have you step down and use the laser
7 pointer here.

8 Where is the entrance?

9 A. This is the entrance right here, and this would be
10 an exit. I believe they are separated by a little island
11 of some sort.

12 Q. That's how vehicles get in and out?

13 A. Yes.

14 Q. How about actually getting into Athena Hall if you
15 walk in?

16 A. There are a couple of different entrances. This is
17 the northern part of the building, and this is the eastern
18 part. Along the eastern front, there's a doorway or two
19 that go into this room right here, but the main entrance
20 is little further south, like a corner entrance with glass
21 doors that enters into the lobby.

22 Q. You still have people that scattered at some point?

23 A. Yes.

24 Q. Based upon your investigation talking to witnesses,
25 do you know what they were scattering from?

1 A. Gunshots.

2 Q. Based upon the investigation, did you learn there
3 was a vehicle that pulled up, and then they scattered?
4 Did you learn the involvement of the vehicle?

5 A. It was the understanding that shots were fired from
6 the vehicle.

7 Q. Now where in relation -- first off, are you familiar
8 with a K-Mart in the area?

9 A. Yes.

10 Q. Where is the K-Mart -- if we're at the dealership,
11 where was the K-Mart?

12 A. Just a few businesses north -- this particular
13 business, Athena Hall, is south of Frazho, just maybe 4-5
14 businesses, and then this Super K-Mart is right on the
15 corner of Frazho and Gratiot.

16 Q. Relatively close?

17 A. Yes.

18 Q. Keep playing the video.

19 (Video played.)

20 Now we saw someone come out of the Athena Hall,
21 right?

22 A. Yes.

23 Q. Do you know what that individual was doing based
24 upon your investigation?

25 A. I believe they were trying to follow the shooters.

1 Q. Did you learn that from talking to witnesses?

2 A. Yes.

3 Q. Do you know where that person went to follow the
4 shooters?

5 A. There was another officer that located that person
6 in the parking lot of the Super K-Mart.

7 Q. K-Mart?

8 A. Yes.

9 MR. WECHSLER: No further questions. Thank
10 you.

11 THE COURT: Thank you. Any cross examination
12 of this witness? Apparently not. I think you're done.

13

14 (Witness excused.)

15

16 MS. FINOCCHIARO: At this time the government
17 recalls Agent Ruiz.

18 THE COURT: Okay. You are still under oath.

19

20 V I C E N T E R U I Z

21

22 DIRECT EXAMINATION CONT.

23

24 BY MS. FINOCCHIARO:

25 Q. Special Agent Ruiz, last week we heard about various

1 shootings, is that right?

2 **A.** That's correct.

3 **Q.** And just to recap, the Raphael Carter shooting was
4 on which date?

5 **A.** May 1, 2015 at approximately 7:07 p.m.

6 **Q.** Okay?

7 **A.** He was shot in front of the residence at 15007
8 Troester in Detroit, Michigan.

9 **Q.** And Devonte Roberts. When did that homicide occur?

10 **A.** That homicide occurred on May 8, 2015 at the
11 intersection of Duchess and Craft. That occurred at
12 approximately 6:46 p.m.

13 **Q.** And how about the shooting on -- I'm sorry --
14 Darnell Canady, Derrick Peterson and Mr. Gaskin?

15 **A.** That was May 10, 2015 at the intersection of State
16 Fair and Hoover. That shooting occurred at approximately
17 1:40 p.m.

18 **Q.** All right. And we just heard from the officers from
19 Roseville about what occurred with Darnell Canady and
20 Anthony Bowen. Where did that occur and what date and
21 time?

22 **A.** That occurred at the Athena Hall on June 7, 2015 at
23 approximately 8:23 p.m.

24 **Q.** I will show you -- actually before this, over the
25 last several weeks we've heard about several shootings

1 where SMB members and associates were at or shot
2 themselves, is that right?

3 A. Yes.

4 Q. So to help with a little bit of the timeline here, I
5 am going to show you what's been marked as Government
6 Exhibit 537, and can you explain to the jury what we see
7 in Government Exhibit 537?

8 A. Sure. What's displayed on this piece of paper is a
9 timeline roughly from July of 2014 through June 7, 2015.
10 It depicts the incidents that I just mentioned, as well as
11 some other incidents that we've discussed in the case, to
12 include when Devon McClure and Corey Bailey went to a
13 strip club in July 2015, and Devon McClure was hit in the
14 head with a bottle.

15 It includes Djuan Page being shot after the
16 parole office visit by Billy Arnold and Michael and Martez
17 Davis, which occurred on July 14, 2014.

18 It includes the shooting of Donell Hendrix at
19 the Eastland Mall. He was not the only victim. There was
20 a female victim with him as well. That was on August 27,
21 2014.

22 It also includes the shooting of Jerome Gooch
23 November 1, 2014. If you recall, that was the one in
24 front of a convenience store. I don't remember the exact
25 street location. I think it was Eight Mile, but I don't

1 remember the cross street.

2 On December 18, 2014, Quincy Graham was shot.
3 He was driving a black Mercedes Benz. There were officers
4 that testified about that.

5 On February 26, 2015, Jason Gill was shot and
6 killed.

7 On March 22, 2015, we heard that Michael Rogers
8 had been shot at his address on Lenox.

9 And then we heard on March 24, 2015, that the
10 000Bigblood Instagram account was started on that
11 particular day.

12 And then we got the Devon McClure homicide that
13 also occurred on May 1, 2015 prior to Raphael Carter being
14 shot.

15 **MS. FINOCCHIARO:** At this time, I move for
16 admission of Government Exhibit 537.

17 **THE COURT:** Any objection? All right. The
18 Court will receive it.

19 **MS. FINOCCHIARO:** We have copies for the jury
20 so they can use it as an aid during Agent Ruiz's
21 testimony.

22 **THE COURT:** All right.

23

24 **BY MS. FINOCCHIARO:**

25 **Q.** Special Agent Ruiz, you just mentioned the Instagram

1 000Bigblood?

2 A. Yes.

3 Q. And that is the account that had postings of the
4 rivals -- pictures of the rivals of SMB, right?

5 A. That's correct.

6 Q. So I would like to go over, now that we have the
7 timeline, some of the photos from that exhibit, which is
8 Exhibit 42.

9 A. Okay.

10 Q. And if we can go to Page 66.

11 Throughout this we have seen a lot of individual
12 photos. Can you explain to the jury what we're looking at
13 here?

14 A. This is a screen capture of that Instagram account,
15 000Bigblood. The name as you can see is across the top.
16 It says, da skore we up 7. It's got some emojis on there.

17 It says, Smokin yo DEAD homies. 42K Gbk fuck
18 neff fuck drew fuck smurf fuck head fuck fuck yo yo fuck
19 twin dey DEAD, and then the images that were captured from
20 other Instagram accounts posted to this account.

21 Q. So if you were to look at Instagram, is this more
22 along the lines that you see if you were to pull it up on
23 the internet?

24 A. I'm sorry?

25 Q. So if you were to pull up Instagram on the internet,

1 is this more of what you would actually see as oppose to
2 seeing the individual photos that we have been seeing
3 throughout the trial?

4 A. That's correct. This is what it would appear like
5 if you visited that social media account, and were viewing
6 it from an iPad, iPhone, et cetera.

7 Q. Since it's been awhile, 42K. As part of your
8 investigation, did you come across that?

9 A. Yes.

10 Q. What's that?

11 A. The 4-2 represents Hustle Boys. In this case 42K
12 Hustle Boys Killer.

13 Q. And how about Gbk?

14 A. Gb is Gutta Boys, K is killers. So Gutta Boys
15 Killers.

16 Q. And Neff, Drew, Smurf. Have you seen references of
17 those before?

18 A. We have. We've talked about the Djuan Page shooting
19 incident, in which he succumbed to his wounds almost a
20 month later. Drew, I previously testified that Aaron
21 Hayes had shot Andrew -- the last name escapes me.

22 Q. Is this the one that happened in 2006?

23 A. Yes, it is. AJ shot and killed him and was
24 incarcerated for that.

25 Q. And how about Smurf?

1 **A.** Smurf is a reference to Corey Jennings. When Corey
2 Bailey was arrested, he had mentioned to the officer that
3 he had information about 41 Smurf. This is the person
4 that's being referenced on this page.

5 **Q.** And do you know the reference to Twin here, who that
6 refers to? As part of your investigation, had you come
7 across some Twin being dead?

8 **A.** Oddly enough, there's three different sets of twins
9 that I know of involved in rival gangs.

10 For example, on the Six Mile side there was
11 Ronell and Darnell Thompson. On the Hustle Boys, there
12 Deonte and Demary Morris, and then we've heard a lot about
13 Martez and Michael Davis who are also Hustle Boys.

14 **Q.** Just to be clear, Martez and Michael Davis are
15 not --

16 **A.** They are not dead. Of those twins, I only know of
17 Ronell being dead.

18 **Q.** Okay.

19 **A.** I don't know if that's a reference to him or not.

20 **Q.** So if we can go to Page 29 of Exhibit 42.

21 So first before you get into what this is, can
22 you see on here, down below, when was that listing posted?

23 **A.** May 10, 2015. This is in the Universe Coordinated
24 Time.

25 **Q.** So what is the actual time?

1 **A.** We would subtract four hours, and so what you have
2 is 12:26 a.m. in that morning of May 10th.

3 **Q.** Okay. And what do we see here that's been posted in
4 the body of it?

5 **A.** This appears to be a reference to like a news type
6 article or blog.

7 **Q.** Read what the article posting is that we see.

8 **A.** Certainly. It says: A 24-year-old man is in
9 critical condition after being shot on the city's east
10 side, police said Friday evening. The shooting occurred
11 around 7 p.m. in the 15000 Block of Troester, said
12 Sergeants Cassandra Lewis of the Detroit Police
13 Department. According to police, the victim was walking
14 in the area when a white vehicle stopped, and someone
15 inside began fighting, hitting the.

16 **Q.** And it is cut off there?

17 **A.** Correct.

18 **Q.** So on 5-10-2015, around 7:00 p.m. on Troester, are
19 you aware of a shooting that occurred?

20 **A.** The shooting didn't occurred May 10th. It occurred
21 on May 1st.

22 **Q.** On May 1st?

23 **A.** Yes.

24 **Q.** Who was shot?

25 **A.** Raphael Carter.

1 Q. This was posted on May 10th. It's a news article?

2 A. Of that shooting incident.

3 Q. Okay.

4 A. Yes.

5 Q. Go to Page 34 of the Exhibit 42. Who is in this
6 photo?

7 A. This is a photo of Devonte Roberts. He was the
8 victim that was killed on May 8, 2015, and that shooting
9 at the intersection of Duchess and Craft.

10 Q. And if we look at -- what is the caption to the
11 photo?

12 A. It is a post from 000Bigblood. It says, He thought
13 that he was, laughing emojis, and then it says, got em.

14 Q. Okay. Go to Page 161, and when was this article
15 posted?

16 A. May 10, 2015. Again, it's in UTC time, but it is
17 12:29 Eastern Standard Time.

18 Q. So this is about three minutes after the posting of
19 the Raphael Carter?

20 A. Yes.

21 Q. And what do we see here in this posting?

22 A. This appears to be a screen capture of another news
23 article, this one being Fox 2. If I read it --

24 Q. Yes, please read it.

25 A. Detroit Police are at the scene where three people

1 were said to be shot. The incident happened Friday night
2 in the area of Duchess and Craft Street. According to
3 investigators, four males were talking in a car at
4 intersection when another vehicle pulled up and opened
5 fire. A 19-year-old was fatally wounded in the head,
6 while two others, ages 20 and 21, were critically injured
7 police say.

8 Q. Prior to your investigation, are you aware of the
9 shooting that this is referencing?

10 A. This is referencing the Devonte Roberts homicide,
11 and other the individuals that it references, the 20 and
12 21-year-old, are Marquis Wicker and Darrio Roberts.

13 Q. If we can go to Page 162 of this exhibit. Now do
14 you know who is in this photo?

15 A. It's a little dark in the face, but I think Geron
16 Gaskin, also known as Skeet.

17 Q. And the an original posting of this photo was on
18 what date?

19 A. March 24, 2015.

20 Q. Okay?

21 A. That would have been -- I'm not sure when Daylight
22 Savings Time occurred. It could be four or five hours.

23 Q. Next page.

24 A. Sure.

25 Q. Go to the text associated with that previous photo.

1 Was this updated on May 10, 2015 for that photo?

2 A. Yes.

3 Q. When was that posted?

4 A. This was May 10, 2015. That would be minus four
5 hours, about 10:16 in the morning.

6 Q. Okay.

7 A. The text associated with it is: U kno what is I
8 heard yo bois snitch on each other yall been SNITCHIN
9 since O6 shit at new Free Aj.

10 Q. This was posted on the same day, a little later than
11 the other two that we saw?

12 A. That's correct.

13 Q. And go to Page 142. We've seen this before, but
14 what was the time -- the original post was posted when?

15 A. March 24, 2015.

16 Q. Is there an update to this post on May 10th?

17 A. Yes, there is.

18 Q. What was the time of the update?

19 A. That would have been 9:49 a.m.

20 Q. On May 10th. And what was text that was posted?

21 A. Kaught him at DA light like kusin Harold.

22 Q. This again is in reference to Djuan Page?

23 A. That's correct. This is a funeral announcement for
24 Djuan Page.

25 Q. Again, this was a posting on 000Bigblood?

1 A. Yes.

2 Q. Go to Page 96. Do you recognize who is in this
3 photo?

4 A. That's a photo of Jeffrey Goodlet, aka Fat Jeff.

5 Q. Do you know who he is associated with?

6 A. He associated with Hustle Boys and Gutta Boys.

7 Q. When was the original posting made for this?

8 A. April 20, 2015.

9 Q. And looking at the bottom here, was it updated on
10 May 10th?

11 A. Yes, it was.

12 Q. What time was it updated?

13 A. It would have been 9:51 Eastern Standard Time.

14 Q. Go to the next page, and go to the text associated
15 with that updated posting from May 10th.

16 A. This is that photo of Jeffrey Goodlet. It says: My
17 nigga had u running wit a, emojis, on u thaught yo auntie
18 houes was Safe, emojis.

19 Q. Again, the boxes are emojis. We can't see them in
20 this printout?

21 A. That's correct.

22 Q. Go to Page 94. Do you recognize who is in this
23 photo?

24 A. I do not. On this particular Instagram account,
25 there were over 65 people displayed on it, and I could not

1 identify all of them.

2 Q. Was this a posting and update on May 10, 2015?

3 A. Yes.

4 Q. Okay. When was the original posting?

5 A. The original posting was April 20, 2015, and the
6 update appears to be on May 10, 2015 at approximately
7 9:52 a.m.

8 Q. And what is the update?

9 A. U work at autozone yo moma stay on 7mile and
10 vandyke, emojis.

11 Q. Again, we're still in the morning of May 10, 2015
12 for these postings?

13 A. That's correct.

14 Q. If we go to Page 163, and do you recognize who's in
15 this photo?

16 A. This is a photo of Phillip Peaks, also known as
17 Peezy, The TE, represents Team Eastside.

18 Q. And the original photo is posted on what day?

19 A. March 24, 2015.

20 Q. If we can go to the next page. Is there an update
21 to this photo on May 10th?

22 A. On May 10th at approximately 9:54 a.m., the text
23 update is: How dem bullets felt at 007 next time I want
24 miss, emojis.

25 Q. 007, have you seen this?

1 A. That's a strip club in Detroit.

2 Q. Go to Page 127. We have seen this before. Who is
3 this a photo of?

4 A. Darnell Canady aka Gutta Bud.

5 Q. So both the original and update posted for Darnell
6 Canady's photo on 000BigBlood.

7 A. The original was posted on March 24, 2015. The text
8 update was May 10, 2015 at 9:55 a.m.

9 Q. What does the text say updated to Darnell Canady's
10 photo?

11 A. U stay on 13mile wit yo girl stop playing roles u
12 kno we kumin, emojis.

13 Q. As part of your investigation, did you come to find
14 out who Darnell Canady girlfriend's was at the time?

15 A. Matleah Scott.

16 Q. Darnell Canady?

17 A. I'm sorry. It was Tiffany Settles.

18 Q. And was there any reference to 13 Mile that you came
19 across before?

20 A. Yes. She testified earlier in the trial that she
21 lived in the 13 Mile area.

22 Q. And that's what referenced here on the update on
23 5-10-15?

24 A. Yes.

25 Q. Go to Page 113. Who do we see in this photo?

1 A. This is a photo of Team East Snoop. His true name
2 escapes me at the moment.

3 Q. The bottom part information. When was it posted,
4 and was it updated?

5 A. It was originally posted on March 24, 2015, and
6 updated on May 10, 2015 at 9:58 a.m.

7 Q. What is the text associated with the update?

8 A. My nigga beat, emojis, yo ass so many times I Kant
9 take u serious.

10 Q. Page 116. And who is in this photo?

11 A. I don't know, but he identifies himself on Instagram
12 at least as gutta_brotherz.

13 Q. Based on the information, when was it first posted
14 and was it updated?

15 A. March 24, 2015 is when it was first posted. There
16 was an update on May 10, 2015 at approximately 9:59 a.m.

17 Q. The same morning on May 10, 2015?

18 A. That's correct.

19 Q. And what do we have as the update from May 10, 2015?

20 A. It reads: Kaught u slipping on 7mile, emojis.

21 Q. Go to Page 146. Do you know who is in this photo?

22 A. I do not.

23 Q. Is there an update on May 10, 2015 for this photo
24 from 000Bigblood?

25 A. It is approximately 10:10 a.m.

1 Q. And what is the update?

2 A. U know how we roxkin u kno we kumin, emojis.

3 Q. When was the original posting for this photo?

4 A. The original posting was April 20, 2015.

5 Q. Okay. Go to Page 19. Do you recognize who's in
6 this photo?

7 A. Shaquan Nickelson.

8 Q. Is he associated with any gangs?

9 A. Hustle Boys and Gutta.

10 Q. When was the original posting for this one?

11 A. March 24, 2015.

12 Q. Was there an update on May 10, 2015 for this
13 posting?

14 A. Yes, it was approximately at 10:12: Bro seen u at
15 DA cover girls u almost shited, emojis, boo boo.

16 Q. This was 10:12 a.m., is that right?

17 A. Correct.

18 Q. If we go to Page 18, and who's posted in this
19 picture?

20 A. I don't know who these are.

21 Q. The --

22 A. The Instagram name is cheddagrovetrayscale.

23 Q. Okay. And Cheddagrove is a rival gang to the Seven
24 Mile Bloods?

25 A. That's correct.

1 Q. When was this originally posted?

2 A. It was posted on March 24, 2015.

3 Q. When was it updated?

4 A. May 10, 2015 at 10:19 a.m.

5 Q. And what is the text that updates it?

6 A. U stay on alma corner house stop play roles Lil Boi
7 b4 u b with neff.

8 Q. All right. Again, Neff is the nickname for Djuan
9 Page?

10 A. That's correct.

11 Q. And go to Page 16. When was this -- I'm sorry. Do
12 you recall who's in this photo?

13 A. Remonte Adams.

14 Q. Do you know if he is associated with any group?

15 A. East Warren.

16 Q. When was this first posted?

17 A. He is the cousin of Drew, the victim that was killed
18 by AJ. He was first posted -- this was first posted on
19 March 24, 2015.

20 Q. And go to the next Page. We see that this posting
21 was updated. When was it updated?

22 A. May 10, 2015.

23 Q. Okay. What time?

24 A. At 10:20 a.m.

25 Q. And what does the text that updates this post?

1 A. Dis ain't did shitted 4 Drew its been how long.

2 Q. I think you referenced that Drew was the one that
3 was murdered back in 2006?

4 A. Correct.

5 Q. If we can go to Page 126. We've shown this before.
6 The original posting was what date?

7 A. March 24, 2015.

8 Q. Who is in this picture?

9 A. Michael Davis. Instagram account is _twinmike.

10 Q. And go the update for this photo. What is the date
11 and time of this update?

12 A. May 10, 2015 at 10:30 a.m.

13 Q. And what's the text update?

14 A. Yo moma still stay on eagleside yo brother mack on
15 DA westside how y'all wanna play it.

16 Q. And go to Page 144 of the same exhibit. Do you
17 recognize who is in this photo?

18 A. I do not.

19 Q. What is the name associated?

20 A. Itsmedwade.

21 Q. When was this first posted?

22 A. April 20, 2015.

23 Q. Okay. Go down. Was this post updated on May 10th?

24 A. Yes, May 10, 2015 at 2:19 p.m.

25 Q. Okay. What's the text update to the post?

1 **A.** Dwade u ah pu55y my nigga product an ihop use to
2 pull up yo house an smoke in front of yo shit, emojis.

3 **Q.** And Product, I think you testified before, that in
4 your prior investigation, that is a nickname for Jeffrey
5 Adams?

6 **A.** It is the nickname for Jeffrey Adams, and Ihop is a
7 nickname for Ihab Maslamani.

8 **Q.** And it looks like there's a response here. What's
9 the response?

10 **A.** It said: When I find out who you is Imma be at yo
11 mama house blood.

12 **Q.** And it looks like more texts associated with that
13 interchange. Can you explain the top part there? What do
14 we see?

15 **A.** The user 6mileyungrico posted: They ain't go expose
16 they self hiding under fake pages n shit pussy.

17 Itsmedwade responds to 6mileyungrico: Fuck
18 these niggas rico I'm every were never hiding.

19 **Q.** And the last one?

20 **A.** Last one is from my_turnnnn. It says: Wish ah
21 nigga would touch my brothers @itsmedwade @6mileyungrico.

22 **Q.** So what was in here was comments to that posting, is
23 that right?

24 **A.** That's correct.

25 **Q.** So other people are able to view 000Bigblood and

1 post comments about the contents that's on there?

2 A. That's correct.

3 Q. And go to Page 140. What do we see here?

4 A. This is a photo of Deonte Morris. His Instagram
5 name is hb_onte.

6 Q. Is he associated with any gang?

7 A. Hustle Boys.

8 Q. And it looks like the original posting was --

9 A. March 24, 2015.

10 Q. And if we go down that same page, was this picture
11 updated on May 10, 2015?

12 A. On May 10, 2015 at 3:37 p.m., the text associated
13 with that update is: U so pu55y tell niggaz how u kame
14 wit yo daddy, emojis, an try 2 5qua5h DA beef wit my
15 BLOODZ tell everybody DA REAL reason y'all moved off
16 lakepointe.

17 Q. As part of your investigation, did you come across
18 any references to his dad, Mr. Morris' dad?

19 A. His father is a police officer with the Detroit
20 Police Department. His name is Allon Morris. He worked
21 in the Ninth Precinct in the special opts division.

22 Q. So this last posting you said is at 3:37 p.m., is
23 that right, on May 10, 2015?

24 A. Yes.

25 Q. And do you recall again for the jury, when it was

1 that the shooting happened on May 10, 2015?

2 A. It occurred at approximately 1:40 p.m.

3 Q. Okay. We have posting a 10:30 a.m., then 2:19 and
4 3:37 p.m.?

5 A. That's correct.

6 Q. And shooting was at 1:40 p.m.?

7 A. Correct.

8 Q. You said there are over 65 photos on 000Bigblood of
9 various rivals, right?

10 A. That's correct.

11 Q. And you said some you could identify, and some you
12 couldn't?

13 A. Yes.

14 Q. Go to Page 136. Who is it, and what gang is he
15 associated with?

16 A. That's Lominel Jackson. If you scroll up just a
17 little, he associates himself with Six Mile. He calls
18 himself Lomo.

19 Q. When was this it posted?

20 A. March 24, 2015.

21 Q. And there are no updates on this one, right?

22 A. No update.

23 Q. Go to Page 165. Can you explain to the jury who's
24 in this photo?

25 A. This person's name is William Blevins Haley. He

1 goes by 1Eye.

2 Q. Is he associated with any gang?

3 A. He hangs with the guys from Hustle Boys and Gutta
4 Boys.

5 Q. And can you tell when this photo was posted?

6 A. March 24, 2015.

7 Q. And it looks like here we don't have an update for
8 this one, right?

9 A. That's correct.

10 Q. Go to Page 103. Who is in this photo?

11 A. This is a photo Richard Peterson. On May 10, 2015
12 we heard that Darnell Canady, Derrick Peterson and Jason
13 Gaskin were in the vehicle that was shot at at the corner
14 of State Fair and Hoover. Derrick Peterson at the time
15 had a warrant out for his arrest. So when he went to the
16 hospital, he gave the name Richard Peterson instead of his
17 true name.

18 Q. When was that original posting?

19 A. April 20, 2015.

20 Q. And we heard about the different gangs, but if we
21 could go to Page 107, we heard about Six Mile, East
22 Warren, Chedda so far and Gutta as well as Hustle Boys
23 obviously.

24 A. Correct.

25 Q. Who do we see in this photo?

1 **A.** I never identified this individual, but his
2 Instagram name is 220jonjonsillyass. 220 is another rival
3 gang.

4 **Q.** Go to Page 147, and do you know -- we see a profile
5 picture. What does it usually -- I know we can't see the
6 photo. What does the profile photo usually have? Was it
7 the person themselves posts or --

8 **A.** Profile pictures are generally the user of the
9 account posting that photo.

10 **Q.** Okay. It looks like there's comments here to this
11 posting. What are the comments starting at top from
12 May 10, 2015 to what time are we seeing this?

13 **A.** May 10, 2015, it would be 6:01 p.m.

14 **Q.** Okay.

15 **A.** The text associated with that first post is: Kall
16 me 98833253492 @ripblocko.

17 **Q.** What's the next one down?

18 **A.** Sending another message on May 10, 2015 at 6:00:
19 Kall me BL55d @ripblocko.

20 **Q.** And the next one down?

21 **A.** There is another posting on May 10, 2015 at 5:58:
22 Kall me rite now on 000 @ripblocko.

23 **Q.** And the second to the last one?

24 **A.** May 10, 2015 at 5:57 @ripblocko.

25 **Q.** And then the last one?

1 **A.** May 10, 2015 at 7:29: Page me rite quixk a5sp
2 9893325492 on 000.

3 **Q.** We will leave 000Bigblood.

4 In your review of social media and phone
5 content, as part of your investigation, did you come
6 across images such that referenced 42k and Gbk and various
7 other references to the gang rivalries?

8 **A.** Yes.

9 **Q.** And if we can go to Exhibit 56, which is Arlandis
10 Shy's social media account, and go to Page 53, what do we
11 see in this photo?

12 **A.** It is a photo of Arlandis Shy dropping four's.

13 **Q.** And what's the reference of dropping four's that you
14 learned?

15 **A.** It's a sign of disrespect toward the Hustle Boys.

16 **Q.** What's the title of this photo?

17 **A.** Boolin #42k.

18 **Q.** And you referenced this moments ago that 42K means
19 42 Killer?

20 **A.** Correct.

21 **Q.** When was this uploaded?

22 **A.** This was upload October 23, 2014.

23 **Q.** This was after Donell Hendrix was shot on August 27,
24 2014?

25 **A.** Yes.

1 Q. Go to Page 51, and again, this is from Mr. Shy's
2 social media account. What do we see here?

3 A. It's a photo of Devon McClure sitting at a table.
4 He's got a cough syrup bottle in one hand and a soda
5 bottle in the other hand.

6 Q. And what's the title of this photo?

7 A. Free #Oblock Miss my brother #Nohomo #42k.

8 Q. When was that photo uploaded?

9 A. On October 11, 2014.

10 Q. Okay. Go to Page 30. We have seen this photo
11 before. When was that uploaded, and who's in the photo?

12 A. Okay. From left to right, the person in the gray
13 sweatshirt with red horizontal strips and black horizontal
14 strips, that's Devon McClure. The person facing away from
15 the camera with a pistol in his right hand is Billy
16 Arnold. The person with the red hoodie facing the camera,
17 throwing up five's is Andrew Thomas, and then the person
18 with no shirt on and a black ball cap is Arlandis Shy.

19 Q. When was this uploaded?

20 A. That would have been April 30th, at 9:00 -- or
21 9:26 p.m. I'm sorry.

22 Q. What do you see here? What are the comments?

23 A. The first is from user Edward Sosa: The Zone back.

24 Next is Shawn Da Don Hudson: #chinohome!!!!!!

25 Q. And then the one after that?

1 A. User Edward Sosa: RIP My NIGGA BLOCK, SMB 4life.

2 Q. After that?

3 A. We got user KingRay Vs HardworkRookie. It says:
4 Rip my Block.

5 Q. And the one after that?

6 A. The user is Shawn DA Don Hudson, and he posts: RiP
7 block baby Shit any the same.

8 Q. And the one that starts RIP, what time was that
9 posted from Edward Sosa, the third one down?

10 A. May 1, 2015 at 3:24 p.m. Eastern Standard Time.

11 Q. And do you recall when it was approximately that
12 Devon McClure was shot?

13 A. It was approximately --

14 Q. Or what time of day was it? Was it before that?

15 A. Yeah, it was before that. It was approximately in
16 that one to 2:00 hour.

17 Q. If we can go to Page 16, who do we see in the photo
18 from Mr. Shy's social media account?

19 A. The person -- it's like a collage of two photos.
20 The person with the white T-shirt on, wearing khaki pants
21 on the left, he's wearing black shoes, is Corey Bailey,
22 and he's dropping four's with his right hand.

23 Q. Okay.

24 A. The photo beside it, next to that on the right,
25 again in the white T-shirt, khaki pants and white tennis

1 shoes is Corey Bailey also.

2 Q. Okay. Let's look at the title of that photo.

3 A. The title of this photo is: "SONNY" Droppin 4's
4 like dat lean shit! I got not choice but to do it for my
5 brother OBlock! Dat expression on my face is permanent So
6 plz dont thin im mean muggin...#IamMyBrothersKeeper.

7 Q. When did Mr. Shy upload this photo?

8 A. On September 1, 2015.

9 Q. And it looks like one comment to that from that same
10 day, September 1, 2015. What is the comment?

11 A. From Juan Monteonno: The hole hood dropping 4's and
12 I ain't talking bout lean 42kgang.

13 Q. Okay. Go to Page 21. Who's in this photo?

14 A. This is two photos side by side of Arlandis Shy in
15 both photos.

16 Q. Okay.

17 A. At the bottom of photo it says 19-13-2.

18 Q. Okay.

19 A. The title of the photo is: Bip To my Fallen
20 Soldiers #MemorialDay #LifeAfterDeath.

21 Q. When was that posted by Mr. Shy?

22 A. It was posted on Play 25, 2015.

23 Q. And 19-13-2 is reference to what?

24 A. The letters of the alphabet S, M, B.

25 Q. Go to Page 9.

1 **A.** This is a photo of Corey Bailey.

2 **Q.** All right. What's the title of this photo?

3 **A.** The title is: Free Cocaine Sonny, "Let no man
4 destroy what we created" #BipOblock #Iam.

5 **Q.** When was this posted?

6 **A.** February 19, 2016 -- actually, it would have been
7 February 18th at 10:00 p.m.

8 **MR. SPIELFOGEL:** What page?

9 **MS. FINOCCHIARO:** Page 9.

10 **MR. SPIELFOGEL:** Thank you.

11

12 **BY MS. FINOCCHIARO:**

13 **Q.** During this time was Mr. Bailey incarcerated?

14 **A.** Yes.

15 **Q.** I will show you a video also from the social media
16 account of Mr. Shy's. It is video 56C, posted May 7,
17 2015.

18 (Video played.)

19

20 **MS. FINOCCHIARO:** One moment, your Honor. I
21 apologize 56E.

22 (Video played.)

23 This is a video that was posted on 5-7-15. We
24 heard reference to 42K, is that right?

25 **A.** Yes, it was a little difficult for me to hear. If

1 we can play it again a little louder.

2 (Video played.)

3 He says 42K and Gbk. He also references some of
4 the other guys. He references Life, Sos, I think he said
5 Nice as well.

6
7 **BY MS. FINOCCHIARO:**

8 Q. Life. Who is life?

9 A. Quincy Graham.

10 Q. And Sos?

11 A. Devon Patterson.

12 Q. And Nice?

13 A. Diondre Fitzpatrick.

14 Q. And we heard him say 19-13-2. What is that
15 referencing to?

16 A. SMB.

17 Q. Now let's go to Mr. Fisher's social media account,
18 Exhibit 44, and go to Page 56. When was -- what is the
19 status here, and when was that posted?

20 A. January 8, 2015, and the status is: Ar15 or ak47?

21 Q. And does Mr. Fisher -- it looks like a whole bunch
22 of comments here. Does Mr. Fisher respond, taking a look
23 at the comments?

24 A. Yes, he does.

25 Q. Now what's the first comment here?

1 A. The first comment is from Alfred West, IV: Get em
2 both.

3 Q. Okay.

4 A. Paris Johnson says: Both but prefer AR.

5 Q. Okay. How about the next one?

6 A. The next one is from Keith Tubbs: Two different
7 size bullets. You can add more shit to the AR-15.
8 Scopes, tactical sights, grips. You can dam near chop
9 down a tree with a AK47 less control though.

10 Q. Those were all posted on 1-8-15, right?

11 A. Right.

12 Q. And the next posting?

13 A. AR Grown man Shit from user Ralpheal Marshall.

14 Q. And the next one?

15 A. User JV Power: Ak bro it goes through everything a
16 b, n, who hide behind and remember it won the Vietnam War.

17 Q. And the next two postings?

18 A. User JV Power: I got a front grip on it now to
19 better control it.

20 Eugene Fisher: Bossing.

21 Q. And again, the ones that you just read, that's from
22 the same day, January 8, 2015?

23 A. That's correct.

24 Q. And are there further comments as part of that?

25 A. User Paris Johnson: AR15 556edition.

1 Q. And what does Eugene Fisher respond?

2 A. Wooooooo.

3 Q. And after that?

4 A. I think I'm rolling with the choppa(ak47)! Ultimate
5 death machine.

6 Q. And go to Page 11, again, from Mr. Fisher's Facebook
7 account. What's the posting that we see here. What is
8 the date and time?

9 A. June 21, 2015. The post is: The opps better bullet
10 proof everything! RUTHLESSCLAN FOREVER.

11 Q. And go to Page 47, and when are these messages being
12 sent back and forth, and who are they being sent between?

13 A. These are sent back and forth on July 10, 2015.
14 These are Facebook messages between Eugene Fisher and Mech
15 Da Monsta who is Demetrius Pope.

16 Q. What would be the body of the -- the first one from
17 Mech Da Monsta to Eugene Fisher?

18 A. HMU asap 3137187878.

19 Q. Okay. And what is the response back from Mr. Fisher
20 to Mech Da Monsta?

21 A. 3138084785 let her kno I got muscle out here.

22 Q. And go to Page 73. We have seen this photo before.
23 When was -- who's in the photo?

24 A. This is a photo of Eugene Fisher. On his right
25 abdomen, chest and shoulder area is a black AR with a

1 scope attached to the top of it. On his left shoulder,
2 chest and abdomen area is an AK style rifle with a wooden
3 stock.

4 **MR. FEINBERG:** Your Honor, is it possible to
5 take that break now?

6 **THE COURT:** Yes, it is a good time.

7
8 (Recess taken at 10:31 a.m.)

9
10 (Recess until 11:07 a.m.)

11 **THE CLERK:** Court is back in session.

12 (Jury in 11:08 a.m.)

13 **THE COURT:** Okay. Folks, you can take a
14 seat. We'll continue with the examination of Mr. Ruiz.

15 **MS. FINOCCHIARO:** Thank you, your Honor.

16 If we put Exhibit 44, Page 73 back up.

17 **BY MS. FINOCCHIARO:**

18 **Q** Just so we can get a sense of when was this photo of
19 Eugene Fisher -- looks like he was sending it to people.
20 When was it sent?

21 **A** July 31st, 2015.

22 **MS. FINOCCHIARO:** And if we go to Page 69.

23 **BY MS. FINOCCHIARO:**

24 **Q** And who do we see in this photo?

25 **A** Eugene Fisher.

1 Q Okay. And do you see any other objects in the
2 photo?

3 A Yeah, to his right side there's an AK-style rifle on
4 the bed next to him. He's got a pill between his teeth.

5 Q Okay. When was this photo sent out?

6 A October 2nd, 2015.

7 **MS. FINOCCHIARO:** All right. Page 40 of the
8 same exhibit.

9 **BY MS. FINOCCHIARO:**

10 Q Who do we see in this photo?

11 A This is a photo of Eugene Fisher. He's pointing an
12 AK-style rifle at the camera.

13 Q Looks like this photo was also sent -- when was this
14 sent out?

15 A October 2nd, 2015.

16 Q Now, in your review of Mr. Fisher's iPad and the
17 phones, did you find any videos as well showing Mr. Fisher
18 with various objects?

19 A Yes.

20 **MS. FINOCCHIARO:** If we could go to Exhibit
21 15. This is going to be a video. Go ahead and play that.
22 (Video played for the jury.)

23 **BY MS. FINOCCHIARO:**

24 Q And who do we see in this video?

25 A That's Eugene Fisher.

1 Q And Block refers to?

2 A Devon McClure.

3 MS. FINOCCHIARO: If we could go to video 15h
4 Also from Mr. Fisher.

5 (Video played for the jury.)

6 BY MS. FINOCCHIARO:

7 Q And who do we see in this video?

8 A We see Eugene Fisher.

9 Q And do you see an object that he's holding?

10 A Yes. He's got a semiautomatic pistol in his left
11 hand pointed at the camera.

12 MS. FINOCCHIARO: Okay. If we could go to
13 video 15e.

14 (Video played for the jury.)

15 BY MS. FINOCCHIARO:

16 Q And in this short video, who do we see?

17 A Eugene Fisher.

18 Q Okay. And what, if anything, do we see him holding?

19 A He had an AK-style rifle in his left hand with a
20 banana magazine.

21 Q Banana magazine, why do you say banana magazine?

22 A That's the style that goes into the AK rifle and it
23 can hold a higher capacity of ammunition.

24 MS. FINOCCHIARO: And if we go to 15f,
25 another video.

1 (Video played for the jury.)

2 **BY MS. FINOCCHIARO:**

3 **Q** Okay. And who do we see in this video, Special
4 Agent?

5 **A** We see Eugene Fisher. He has a semiautomatic pistol
6 in his right hand with an extended magazine.

7 **Q** Okay. Is that what we see that's extended down
8 below the gun?

9 **A** That's correct.

10 **MS. FINOCCHIARO:** If we could go to 15g,
11 again, for Mr. Fisher.

12 (Video played for the jury.)

13 **BY MS. FINOCCHIARO:**

14 **Q** And who do we see in this video?

15 **A** This is another video of Eugene Fisher where he's
16 got a semiautomatic pistol in his right hand pointing at
17 the camera. Extending beyond his hand, at the bottom of
18 his hand is an extended magazine.

19 **Q** Okay. We saw the first video, he was talking and he
20 said something about "dropping an opp." Have you heard
21 that reference before as part of your investigation?

22 **A** Yes, I have.

23 **Q** Switching gears a little bit to Mr. Brown's Facebook
24 page, which is Exhibit 46. Go to Page 96.

25 And what is -- who do we -- first of all, 2326

1 who do we see in this photo?

2 **A** From left to right we see Robert Brown with his
3 right hand. He's dropping 4s. We see Corey Bailey in the
4 center. He appears to be dropping 4s as well with his
5 hands, and then we saw Arlandis Shy on the right
6 displaying a B made in his left hand.

7 **Q** And what is the title of this photo from Mr. Brown's
8 Facebook?

9 **A** HARDWORK 4_2K.

10 **Q** And when was this uploaded?

11 **A** June 27th, 2014. That's actually universal
12 coordinated time. So that would have been June 26th,
13 2014.

14 **MS. FINOCCHIARO:** If we could go to Page 26
15 of the same exhibit from Mr. Brown's Facebook.

16 **BY MS. FINOCCHIARO:**

17 **Q** And what is the status here?

18 **A** The status here is, "ON THE 5 I LOVE ALL MY NIGGAS I
19 WILL RIDE AND DIE 4 ALL MY NIGGAS THIS IS TO ALL MY NIGGAS
20 WE ANIT LOSING NO MORE BROTHERS EVERY BODY SQUAD IN
21 COMMENT FOR @Santana Porter AKA WHITE BOY JASON RIH 5 20
22 YEARS BLOOD. #ZONE LIFE."

23 **Q** When was this posted?

24 **A** This was posted on March 3rd, 2015.

25 **Q** And do you recall when Jason Gill was killed?

1 A Yes, it was February 26th, 2015.

2 Q So this is a few days after that?

3 A That's correct.

4 **MS. FINOCCHIARO:** Go to Page 90 of
5 Mr. Brown's Facebook.

6 **BY MS. FINOCCHIARO:**

7 Q Who do we see in this photo?

8 A This is a photo from left to right of Robert Brown,
9 Devon McClure, and Arlandis Shy.

10 Q Okay. And what is this a the photo from?

11 A It appears to be a screen capture of the Instagram
12 account 55big_rob.

13 Q Go down to the caption. And what do we see here?

14 A The title of this photo is "ITS 42K DAY BLOCK SAID
15 WHAT UP HIM AND DUKE UP THERE RUSHIN THE SHIT OUT OF ONE
16 OF THEM BUM NIGGAS WHITES TALKIN BOUT 456 ONLY FUCK TWO
17 DICE."

18 Q Okay. And when was this uploaded?

19 A It was uploaded on May 9th, 2015.

20 **MS. FINOCCHIARO:** If we go to Page 106.

21 **BY MS. FINOCCHIARO:**

22 Q What do we see here?

23 A This is a screen capture. The two people in this
24 photo, it's a collage of sorts. You've got Devon McClure
25 in the red hoodie with a white string coming out of it,

1 and then in the red parka style jacket is Jason Gill.

2 MS. FINOCCHIARO: Okay. Going down to the
3 next Page 107 for Mr. Brown's Page.

4 BY MS. FINOCCHIARO:

5 Q And what is the title and when was this uploaded?

6 A The title of this photograph is "42k" and it was
7 uploaded on June 14th, 2015.

8 Q June 14th, 2015, looking at the timeline, that is
9 after the last event that we see here on the timeline; is
10 that right?

11 A That's correct.

12 MS. FINOCCHIARO: If we go to Page 59.

13 BY MS. FINOCCHIARO:

14 Q And who do we see in this photo?

15 A On the left in the red shirt with stripes on it and
16 a red ball cap, that's Brandon Bush a/k/a Bobans and then
17 in the black sweatshirt with a left hand throwing up a 5
18 is Robert Brown.

19 Q Looking at the information, what do we see here?

20 A The title this photo is, "U NO WHAT IT IS BLOOD RIP
21 WHITES BLOCK SMB WE STILL AT THE TOP GET WELL BOBANDZ."

22 Q When was this uploaded?

23 A This was uploaded on July 7th of 2015.

24 Q When you say uploaded, what are we talking about for
25 uploaded?

1 A That would have been posted to the Facebook account.

2 **MS. FINOCCHIARO:** Next, go to Page 112.

3 **BY MS. FINOCCHIARO:**

4 Q And who do we see in this photo?

5 A I'm not sure who those two guys are.

6 Q Can you explain the title of the photo to the jury
7 and when it was uploaded. What is the title?

8 A The title is, "Call jojo tell nunu bring the
9 choppers out these niggas got me feel blade shout to my
10 young boys #Blockworld." And it's directed at "@Squad
11 Rackzz at Mia Jody OuTtheway go follow my bros."

12 Q And as part of your investigation you previously
13 testified, do you know the reference choppers?

14 A Yes, that's usually a reference to AK-style rifles.

15 Q And when was this uploaded, that photo and caption?

16 A That was uploaded December 7th of 2015. Actually,
17 given the time change, that would have been December 6,
18 2015.

19 **MS. FINOCCHIARO:** Okay. Go to Page 7 of
20 Mr. Brown's Facebook, Exhibit 46.

21 **BY MS. FINOCCHIARO:**

22 Q So what do we see here in this posting?

23 A Text. It was posted January 14th, 2016.

24 It says, "U cought a body so I cought one to
25 blood brothers different mothers if you shoot I shoot

1 swiving down the mile that's just what we do and I keep
2 the stick heard them niggas want me to I fuck with H.S. so
3 who the fuck are u I lost my baby but u can lose yo baby 2
4 when I see an opp a body drop anit trust no nigga since
5 they took block these niggas acting like fucken cops 762
6 meach Ray my niggas pops Real shit what up box but u got
7 to watch my niggas cause they will get you tupac #BARS."

8 Q And this is posted January 14, 2016?

9 A Yes.

10 Q Again, we see a reference to "see an opp a body
11 drop." And that's similar to the references we've seen
12 before?

13 A Yes.

14 Q And Meach, as part of your investigation have you
15 come across any Meach?

16 A Demetrius Pope.

17 Q How about Ray or Pops?

18 A Ray could be a reference to either --

19 MR. FEINBERG: Objection, what it could be.

20 BY MS. FINOCCHIARO:

21 Q If you don't know --

22 A In my investigation, there's been a Rayful and a
23 King Ray. Pops --

24 Q How about Pops?

25 A We've heard that James Coleman, his street name is

1 Poppa.

2 MS. FINOCCHIARO: If we go to Page 118.

3 BY MS. FINOCCHIARO:

4 Q And what do we see in this photo?

5 A It's a photo of an individual and on the photo it
6 says, "#RIP Block," and then it says, " @Blockworld."

7 Q And what is the information Mr. Brown posted with
8 that picture?

9 A "Yo opps is my opps if I see them I drop them rest
10 up 5."

11 Q And so, again, we're seeing this reference to opps?

12 A Yes.

13 Q Okay. And when was this uploaded?

14 A That was uploaded February 12th, 2016.

15 MS. FINOCCHIARO: If we go to Page 66 of

16 Mr. Brown's Facebook.

17 BY MS. FINOCCHIARO:

18 Q And what do we see here?

19 A It's a photo of a person dropping 4s with his right
20 hand.

21 MS. FINOCCHIARO: Okay. Go to the next page.

22 BY MS. FINOCCHIARO:

23 Q And the information associated with that photo?

24 A It says "42k day." This was posted on
25 February 18th, 2016.

1 **MS. FINOCCHIARO:** Now, switching from
2 Mr. Brown's Facebook to Mr. Brown's Instagram. If we
3 could go to Exhibit 47, Page 4.

4 **BY MS. FINOCCHIARO:**

5 **Q** Do you recognize anyone in this photo?

6 **A** The person in the center with the gray hoodie,
7 glasses and a gray hat, kind of all the way in the back,
8 is Robert Brown.

9 **Q** Do you recognize anyone else in the photo?

10 **A** I believe I do, but I don't want to misstate the
11 name.

12 **Q** Okay. Go down here to -- can you see when it was
13 that this was posted or uploaded on Facebook -- or
14 Instagram, excuse me?

15 **A** It says it was taken March 25th, which would
16 indicate March 24th, 2015 Eastern standard time.

17 **Q** And in this photo here, what do we see?

18 **A** A person in the gray hoodie with a gray ski cap on
19 and glasses is Robert Brown. There's two other
20 individuals in this photo that appear to be holding guns
21 pointed at the camera.

22 **Q** Is there information as to when this photo was
23 taken?

24 **A** This would have been March 24th of 2015.

25 **Q** That's because of the UTC?

1 **A** Correct.

2 **MS. FINOCCHIARO:** And switching gears again.
3 Donell Hendrix, if we could go to his Exhibit 49, his
4 social media, Page 27.

5 **BY MS. FINOCCHIARO:**

6 **Q** Remind the jury, Donell Hendrix goes by?

7 **A** Jig -- Hard Work Jig.

8 **Q** Who do we see in this photo?

9 **A** From left to right, the person with a pistol pointed
10 at his temple is Devon McClure. In the center of the
11 photo is Donell Hendrix, and the person on the left with a
12 brown hoodie and brown baseball cap and it appears pistols
13 in his hands is Robert Brown.

14 **Q** Okay. And when was this taken on Instagram?

15 **A** This is February 6th, 2014.

16 **Q** Looks like there's some comments to this.

17 What are the first two comments we see in
18 regards to this photo? Actually, what is the text, I'm
19 sorry, at first, with this photo?

20 **A** The status text is "S/o 2 my shooters and my
21 shooters only #squad, emojis."

22 **Q** Okay. And is there comments posted?

23 **A** Yes.

24 **Q** And what are the comments?

25 **A** The first is "Block is one Sick nigga, lol."

1 Q Okay. And when was that posted?

2 A February 6th, 2014.

3 Q And is there another comment there?

4 A Yes. The next one says, "Yeah, kill hisself,
5 emojis, @hw__Jig."

6 Q The next two comments to those?

7 A The next comment is "Bro's," and then the one after
8 that is "Bang bang."

9 Q Okay. And what are the comments we see here from
10 that same date?

11 A The next comment is "@smb__55ryder u are crazy sir
12 gotta love u thou."

13 Q And the next one is from which user?

14 A R_0_thegreat.

15 Q Okay. And what date was this created?

16 A This was created February 17th, 2014.

17 Q And what does r_0_thegreat say?

18 A "almost killed a op that day my bros stop me."

19 Q We've heard RO referenced before. That's who?

20 A Robert Brown.

21 Q And what's the final comment to that posting?

22 A "What's been good with you my nigga jig."

23 MS. FINOCCHIARO: And if you go to Page 2 of
24 Mr. Hendrix social media, and we'll go to the comment for
25 this photo -- I'm sorry, the status for this photo.

1 BY MS. FINOCCHIARO:

2 Q What is the status?

3 A "Forgive them lord kuz they kno not wat they
4 do...forgive me lord bkuz #RetaliationIsAhMust, emojis."

5 Q When was this created?

6 A This was created December 2nd, which would be in the
7 Eastern time zone, December 1st, 2015.

8 MS. FINOCCHIARO: And switching gears again
9 to Mr. Fitzpatrick's page, Exhibit 48 Page 7.

10 BY MS. FINOCCHIARO:

11 Q Do you recognize anyone in the photo?

12 A I recognize a few different guys in this photo. The
13 second from the left wearing a black shirt and dark
14 colored pants is Andrew Thomas, a/k/a Chino. The person
15 that's fourth from the left wearing a white T-shirt dark
16 pants is Devon Patterson, a/k/a Sosa or Duck or Ducky.
17 The person with the black Puma sweatshirt and black
18 baseball cap on backwards, that's Donell Hendrix, a/k/a
19 Jig. The person with the black rimmed glasses and the
20 shirt that says "Squad" on it is Willy McCall. He goes by
21 Ill Will. Those are all.

22 Q Okay. And let's just look at the caption associated
23 with that photo. What is the title of that photo?

24 A "Few troops."

25 Q Okay. And when was this uploaded?

1 **A** That was uploaded on September 9th, 2015.

2 **MS. FINOCCHIARO:** Okay. We're going to move
3 from Mr. Fitzpatrick's page to Jeffrey Adams page, Exhibit
4 43. If we could go to his social media, Page 20.

5 **BY MS. FINOCCHIARO:**

6 **Q** So what do we see here?

7 **A** On December 18th, 2012, status is "I wish da hustle
8 bumz was out now I dont have nobody 2 shoot @ I can't lie
9 dem pussy's had alot of yall niggas shook b i remember i
10 caught twin on bitch mile #nostrap ask my nigga duke I
11 bangd on him (nohomo) im like whats up we turn around im
12 like watch dis i never seen a nigga so scared when he talk
13 his word shake i almost laugh in dat nigga face b dat was
14 sum real funny shit....STR8DROP."

15 **MS. FINOCCHIARO:** Go to the next page.

16 **BY MS. FINOCCHIARO:**

17 **Q** What do we see in this photo -- I'm sorry, Page 21.
18 There we go.

19 What do we see in this status here from
20 March 20th, 2013.

21 **A** The Eastern time zone, it actually would be
22 March 19th, 2013.

23 **Q** Okay.

24 **A** "SMB don't make me bring dem killerz out rs FREE all
25 my hitterz out dey done let my nigga KILLA out u a dead

1 man now dey need forensics out tech chop like lumbo FEDS
2 listening short convo hit a nigga wit a combo fuck Ima a
3 fight 4 my chopper drum roll...STR8DROP."

4 **MS. FINOCCHIARO:** Okay. If we could go to
5 Page 54 of Exhibit 43.

6 **BY MS. FINOCCHIARO:**

7 **Q** And what do we see here?

8 **A** This is a Facebook message from NO Scales Brick,
9 which is Jeffrey Adams, to Ceo King Ray, which is Raymond
10 Sellers, on May 7th, 2013.

11 It says, "Dey just bossed up I been doing my
12 thang i earned stripes out here im like tuff n da game
13 eastside yung niggas da mission to get paid we still wype
14 Niggas out for da chedda n wrng gangs 7mile blood or
15 should I go by da codename."

16 **Q** So we're seeing posts from 2012 and 2013. As part
17 of your investigation, did the feud go back that far
18 between the rivals?

19 **A** It goes back even farther.

20 **Q** Okay. So fair to say it's a long-standing feud
21 between the SMB and their rival gangs?

22 **A** Yes, that's correct.

23 **MS. FINOCCHIARO:** If we could go to Page 13.

24 **BY MS. FINOCCHIARO:**

25 **Q** And what do we see here at the top status?

1 A On September 9th, 2014, "I been chillin doin my
2 homework on niggaz its time 2 #turnup, emojis, #squad
3 #gang, emojis."

4 Q Jeffrey Adams was the one who did the original
5 postings on 000_Big_Blood; is that right?

6 A That's correct.

7 MS. FINOCCHIARO: If we go to Page 33.

8 BY MS. FINOCCHIARO:

9 Q What do we see here?

10 A This is a photo of four semiautomatic pistols.

11 MS. FINOCCHIARO: Go to Page 34.

12 BY MS. FINOCCHIARO:

13 Q And what do we see here?

14 A The title of this photo is "42k we killin everything
15 dey stand for, emojis."

16 Q Okay. And when was this uploaded?

17 A That was uploaded on December 28th of 2014.

18 Q And what is the next comment by NO Scales Brick?

19 A "#strapless not I."

20 MS. FINOCCHIARO: If we go to Page 9 of the
21 same exhibit.

22 BY MS. FINOCCHIARO:

23 Q And what do we see here?

24 A We see a status that was posted on January 9th,
25 2015, the status is "GREEN LITE A NIGGA, emojis."

1 **MS. FINOCCHIARO:** If we go to Page 29.

2 **BY MS. FINOCCHIARO:**

3 **Q** And who do we see in this photo?

4 **A** We see two individuals with semiautomatic pistols.
5 The individual with the black hoodie on that says
6 "Marshall" is Jeffaun Adams.

7 **Q** Okay. And who is he in relation to Jeffrey?

8 **A** That's his brother.

9 **Q** And what is the information posted by Jeffrey Adams
10 for this photo?

11 **A** The title is "Buck Buck red dot a nigga #gang."

12 **Q** And when was this uploaded?

13 **A** January 22nd, 2015.

14 **MS. FINOCCHIARO:** Okay. If we go to Page 45.

15 **BY MS. FINOCCHIARO:**

16 **Q** And what do we see here?

17 **A** This is a screen capture of an Instagram account
18 belonging to the user named gutta.chubz.

19 **Q** If we go to the comment on Page 46 below, what do we
20 see here after this photo?

21 **A** There's a statement of "On site but DA rims off
22 tires look like dough nuts."

23 **Q** Okay. That's from NO Scales Brick?

24 **A** NO Scales Brick to -- he sends it to NO Scales Brick
25 and BadGuy Weez.

1 Q What is the bottom conversation between NO Scales
2 Brick and BadGuy Weez that we see?

3 A It says, "Go on IG rite now 000_big_blood password
4 Hardwork i think im already on DA the light skin nigga."

5 Q And that's a reference to the 000_Big_Blood
6 Instagram account?

7 A Yes, it is.

8 Q And later on in this conversation, what do we see
9 again from NO Scales Brick?

10 A A text or a Facebook message that says, "6mile at
11 brazyhorse leye at DA sting."

12 Q And when was this sent?

13 A This was sent on June 12th of 2015.

14 Q So "sting," have you come across that as part of
15 your investigation?

16 A Yes, that's a strip club in Detroit.

17 Q How about "brazyhorse"?

18 A The Crazy Horse is a strip club also in Detroit,
19 Michigan.

20 Q And "leye"?

21 A leye is a reference to William Blevin Healey.

22 **MS. FINOCCHIARO:** If we go to Page 5 of
23 Mr. Adams social media account.

24 **BY MS. FINOCCHIARO:**

25 Q What do we see here?

1 **A** A post on July 27th, 2015, it says "Its 10 different
2 gangs in 1 group and y'all still kant fuck wit us, emojis,
3 #42k, #BADGUYZ 19132."

4 **MS. FINOCCHIARO:** The last of this account,
5 if we go to Page 23.

6 **BY MS. FINOCCHIARO:**

7 **Q** What do we see on Page 23 of Mr. Adams account?

8 **A** It's a person holding a semiautomatic pistol upside
9 down. He's actually holding the extended magazine
10 portion.

11 **MS. FINOCCHIARO:** If we go down to the next
12 page.

13 **BY MS. FINOCCHIARO:**

14 **Q** What is the information associated with that photo?

15 **A** "Shout out to my niggas in da field fr 42k."

16 **Q** And when was this uploaded?

17 **A** It was uploaded on August 16th, 2015.

18 **Q** And it looks to be some comments below here. What
19 comments also on August 16th, 2015?

20 **A** First comment is from BadGuy Weez which is Darius
21 Oden, it says "#Trust 42k."

22 **Q** And how about the next one?

23 **A** The next one is from DocMf Holiday Daniels, which is
24 David Daniels "42kgbk they opps forreal."

25 **Q** Again we're seeing a reference to "opps"; is that

1 right?

2 A I'm sorry?

3 Q Again, we're seeing a reference to "opps"?

4 A Yes.

5 MS. FINOCCHIARO: Now, if could we switch
6 gears to Mr. Patterson's social media. We're just going
7 to look at Page 39 of Exhibit 51.

8 BY MS. FINOCCHIARO:

9 Q And who do we see here?

10 A This is a photo of Jason Gill.

11 Q Okay. And when was this uploaded?

12 A It was uploaded on May 10th, 2015.

13 Q Looking at our timeline, that's right in the middle
14 of the time period we've been discussing with the
15 shooting; is that right or towards the end I should say?

16 A Towards the end.

17 Q And what is the information associated with that?

18 A The first status is "My brother from another, gone
19 but never forgotten."

20 Q And when was that created?

21 A On May 10th, 2015.

22 Q And what is the user that responds back?

23 A Squad_top_shotta, "On bloodz I love my nigga to
24 death berenzo."

25 Q And this was sent the same day?

1 A Yes, it was.

2 **MS. FINOCCHIARO:** Moving to Mr. Arnold's
3 social media account, Exhibit 54 Page 5.

4 **BY MS. FINOCCHIARO:**

5 Q And what do we see here?

6 A This was a post on June 7th, 2015, says "NIGHT
7 LIFE#Red Zone#SMB#55#KILLA."

8 Q And when was this posted?

9 A June 7th, 2015.

10 Q What time approximately?

11 A At approximately 1:43 Eastern standard time.

12 Q And is the date June 7, 2015 significant?

13 A It is. That's the date that the shooting occurred
14 at the Athena Hall.

15 Q So as part of your investigation, special agent, did
16 you -- I think you talked about before -- review Mr.
17 Arnold's cell phone content including text messages?

18 A Yes, I did.

19 Q And along with the text messages were some screen
20 shots that he had saved on his phone; is that right?

21 A Yes.

22 Q Okay. I think we saw some of those with Miss Scott
23 earlier; is that right?

24 A I believe so.

25 **MS. FINOCCHIARO:** If we can go to Billy

1 Arnold's phone Exhibit 20NN.

2 **BY MS. FINOCCHIARO:**

3 Q First, if could you explain to the jury, this page,
4 of that exhibit, 07686.

5 MR. FEINBERG: I'm sorry, say that again.

6 MS. FINOCCHIARO: It's Exhibit 20NN, and the
7 number at the bottom is 7686.

8 **BY MS. FINOCCHIARO:**

9 Q And what are we seeing here as part of this capture
10 from Mr. Arnold's phone?

11 A We're seeing the text messages that were stored on
12 this particular cell phone, to include the direction,
13 whether the text was incoming or outgoing, the number that
14 it was to or from, the date and time that it was sent and
15 then the actual text message content.

16 Q Starting look likes from the bottom is the earlier
17 one to the top, what do we see here?

18 A We see an incoming text message from (313)320-3075
19 on April 8th, 2015 at 9:28 and the text is "good morning
20 5."

21 Q Okay. So it's from the number 3075, which we've
22 heard testimony about associated with Mr. Brown; is that
23 right?

24 A That's correct.

25 Q And this is to Mr. Arnold?

1 A Yes, it is.

2 Q And then what is the next text we see on that same
3 date?

4 A It's a response back at approximately 10:11, the
5 response is "Soo woo."

6 Q As part of your investigation, were you able to
7 determine what, if anything, that means?

8 A Yeah. I was able to determine that soo woo is a
9 word of Swahili origin that means blood.

10 Q You said a Swahili -- the language?

11 A Yes.

12 Q You said it means blood?

13 A Correct.

14 **MS. FINOCCHIARO:** Okay. If we next could go
15 to Exhibit 20LL.

16 **BY MS. FINOCCHIARO:**

17 Q Looking from the bottom up, what do we have here?
18 Can you explain to the jury what we're looking at?

19 A This is a series of text messages back and forth
20 between Billy Arnold and Robert Brown.

21 Q Okay. And starting on the bottom, what is the date
22 that we have the conversation starting?

23 A May 1st, 2015 at about 10:30 a.m.

24 Q Okay. What do we see?

25 A Arnold texts, "I got in a shoot out last night

1 dubbleft me."

2 Q Okay.

3 A Robert Brown responds, "He left u."

4 Billy says, "A bullet pierce my hoodie."

5 Robert Brown says, "Dam he got to go."

6 And then he sends another text message, "U no
7 who it was."

8 Q So looking at this, "dubb," what is "dubb" a
9 reference to from that first text you read?

10 A Dubb is a reference to Quincy Graham.

11 Q This is a conversation between Mr. Brown and Mr.
12 Arnold?

13 A That's correct.

14 MS. FINOCCHIARO: If we can go to -- skipping
15 to Exhibit 22D, from Mr. Arnold's phone and we'll be able
16 to make these bigger on the next page -- first off,
17 actually let's get the information first.

18 BY MS. FINOCCHIARO:

19 Q When were these created and what are we looking at?

20 A These were created on May 2nd, 2015 at approximately
21 10:43 for the top one, and 10:49 for the bottom one.

22 Q Okay.

23 A These are screen captures. Some social media
24 accounts, when you leave your location information on, as
25 you make posts, it will map out the location of where that

1 user or that post originated. That's what these appear to
2 be, these photos, these screen captures.

3 Q Okay. So going down these are just the screen
4 captures showing where people are located; is that right?

5 A Correct.

6 Q This one here, were you able to determine who any of
7 these people were?

8 A There's other photos contained within this
9 extraction that you can see these images a little bit
10 clearer.

11 Q Okay. And were you able to determine who they were
12 of?

13 A Yes, some of them.

14 Q Okay. Do you recall off the top of your head right
15 now who they were?

16 A In this particular photo, there is an image where
17 you can blow it up and see it. I want to say in that
18 photo is Darnell Canady, Fat Jeff, Derrick Peterson and
19 one or maybe both of the Davis twins.

20 Q And this is from Billy Arnold's phone showing their
21 location at the time that this was taken or the screen
22 shot of the 5-2-15?

23 A This was a multimedia message he would have received
24 from somebody else, where they actually created that
25 screen capture to identify the location of where that

1 particular user was posting from, and he sent it to -- or
2 that person sent it to Billy Arnold.

3 MS. FINOCCHIARO: So we're going to go next
4 to Exhibit 20KK.

5 BY MS. FINOCCHIARO:

6 Q Looks like a long conversation here. We're going to
7 take it a little bit at a time.

8 So what are we seeing here, if you could explain
9 to the jury?

10 A This is a text exchange between Billy Arnold and the
11 contact person here is New Capresha. The actual
12 individual is Capresha Tate.

13 Q What is she in relation to Billy? Did you come
14 across that information in your investigation?

15 A I believe they had a romantic relationship.

16 Q So what is the date we're seeing this text message
17 between Miss Tate and Billy Arnold?

18 A So from Capresha to Billy says, "Baeeee."

19 He responds, "U have to do The car shit in da
20 morning a bullet hit da car but they going give u a new
21 one just stay u came out the club tonight and a bullet hit
22 da car."

23 She responds, "I knew u was hiding something
24 from me."

25 Q And what time of the morning, looks like it says

1 a.m., are we seeing these text messages?

2 A Between 3:03 a.m. and 3:16 a.m.

3 Q Okay. Is this the actual time because it says UTC
4 minus four?

5 A This is Eastern standard time.

6 Q So May 2nd, 2015 is the day after there was two
7 shootings; is that right?

8 A I'm sorry?

9 Q On May 2nd, 2015, that date, what is the
10 significance about the day before that?

11 A So the day before, Devon McClure is killed, and then
12 later that day on May 1st, Raphael Carter was shot and
13 paralyzed.

14 Q So go up to the conversation between Miss Tate and
15 Billy Arnold. I think you read that one.

16 What is the next two?

17 A She sends another text message, "But okay."

18 And then the next one after that is "Did it bust
19 out the windows."

20 Q What do we see here?

21 A Billy responds, "Hiding this just happened and
22 that's y I pay the insurance they gone give u a new car no
23 problem every body do that that ain't shit."

24 Q And continue to read the text conversation.

25 A Capresha responds, "I'm talking about not answering

1 the fne since earlier I kno it happen today."

2 Billy says, "Man u ain't here but it's cool."

3 Q At the bottom, we already did. If you can continue
4 to read their conversation.

5 A Capresha responds, "i'm waiting on Lexus to drop me
6 off to u I told u what happen to the tire."

7 "U go wait on me?"

8 "????"

9 "On my way! Nw seriously."

10 Q Could you read to the jury the conversation
11 continuing on?

12 A Capresha sends to Billy, "U must don't want me now
13 okay the goodnite I'm bouta go In the house."

14 Billy responds, "Dawg I told you what I need u
15 to do u supposed to do it firs thing in da morning."

16 She responds, "I kno but the car also gotta b
17 paid on today I got a print out the a receipt they printed
18 out of wat we paid but it's at my house."

19 Billy responds, "Man I got somet ething to do
20 its the first tonight fenes been blowing my phone up."

21 Q And conversation continues?

22 A Capresha responds, "Okay I'm jus telling u it have
23 to b paid on today too I didn't say nothing u can't handle
24 yo business."

25 Billy responds, "Capres ha I really pushing it

1 now because it's 8 almost nine I know it's sat people gone
2 be trying to get cars like u really bout to have me on
3 some other shit."

4 Q And let's continue the conversation.

5 A She responds, "Berenzo wat u talking about we go as
6 soon as they open I don't wanna argue and upset u they
7 open at 9."

8 Q And the next page here, and what is the continued
9 conversation?

10 A It says -- this is from Capresha to Billy, "They on
11 some bs they can't get me the car I'm bouta try to go to
12 hertz they talk about it the payment being late."

13 "And the bumper and stuff fuck up."

14 Billy responds, "What man hell nawl we pay
15 insurance on that."

16 Q The last page here of this conversation. And what
17 do we see here again on May 2nd, 2015?

18 A Capresha sends a text to Billy "Bae here they got
19 Nissan n Malibu bt its Michigan plates and they got a
20 Toyota wit Illinois plates bt I really don't like it."

21 Billy responds "Toyota camry."

22 Q Looks like the one above that is from Thang M, is
23 that right, and I believe that she already read those into
24 the record?

25 A That's correct.

1 **MS. FINOCCHIARO:** If we can go to the next
2 posting, which is 20JJ from his phone.

3 **BY MS. FINOCCHIARO:**

4 **Q** First off, what date are we at here?

5 **A** We're on May 4th, 2015.

6 **Q** Okay. So this is two days later. So what are we
7 seeing here in these text messages from Billy Arnold's
8 phone?

9 **A** This is an exchange between Billy Arnold and Robert
10 Brown.

11 **Q** Approximately what time of the day is it or what
12 time of the day is it?

13 **A** It's 9:07 a.m.

14 **Q** And what is the conversation between Mr. Brown and
15 Mr. Arnold?

16 **A** Billy Arnold sends to Robert Brown, "Lil Berenzo
17 here."

18 And then about 18 minutes later, he sends
19 another text message, "Funny thing about yo real ass and
20 these other hoe niggaz you 33yrs old and my guy and u
21 haven't gave me a kongratulations fuck u nigga if u really
22 hate me and u riding kill me then grow up u really hoe in
23 yoself."

24 **Q** Okay. Continue on.

25 **A** The response is, "Bro go get duck and vill for all

1 that shit I don't old u shit they mite so go fuck off my
2 nigga."

3 Q So Duck and Vill, those references, do you know who
4 they refer to?

5 A Duck is a reference to Devon Patterson and Vil is a
6 reference to Arlandis Shy.

7 Q Okay. And does the conversation continue?

8 A Yes. It says, "Bro just stay away from me." That's
9 from Robert Brown to Billy Arnold.

10 **MS. FINOCCHIARO:** Okay. We're going to go to
11 the next page. Looks like the conversation continues.
12 Start at the bottom, work our way up.

13 **BY MS. FINOCCHIARO:**

14 Q What do we see here?

15 A This is three messages from Robert Brown to Billy.

16 "U don't like me and I really see it now I don't
17 fuck with u bro."

18 It says, "U not keepin me alive my guy."

19 "So go ride with your smbs and y'all don't need
20 me and I don't need y'all at all."

21 Q Okay. And what are we seeing here?

22 A Billy Arnold sends a text at 9:34 saying, "No, u
23 such a killer wya u 33 dawg u be 40 in a min u thinking
24 bout duck kill em kill vile I got u a gun kill em u stone
25 cold u I don't like no damn near 40 yr old nigga who think

1 about niggaz and don't do shit go kill em right now sos
2 get a visit tomorrow kill em u think about a man so much
3 kill em I got u guns u don't even own 1gun pay homage
4 cause u and jig got to understand if I wasn't around what
5 gun will yall have. "

6 Q And does the conversation continue?

7 A Yeah. Robert Brown responds, "My nigga block got me
8 back here really don't care about none of yo nigga only
9 him so yea I'm a killer now."

10 "Naw bro don't talk to me like a kid cause I
11 anit my nigga then u let niggas do What they want to do
12 and always got some hoe shit to say to me look my nigga I
13 don't need u ok."

14 "My nigga I don't need yo guns or u."

15 Q The conversation continues on May 4th?

16 A Yes. Billy sends a text, "Don't use that people
17 shit yall niggaz broke and when yall do get some money
18 yall buy tshirts for mixtapes but yo 33yrs old ass
19 probably think I'm hoe in u first I made you then u only
20 care about me then u not smb u are rc then it's fuck
21 everybody and then it's just for block u too old dawg I'm
22 too old I'm holding my son while I text my other aborted
23 child and tell him bout his self u living bro not because
24 of me not because of smb u and jig living because yall in
25 da house and yall not out here but my bad u out here u

1 killed sos and vile."

2 Q Okay. And if you could continue on.

3 A Robert Brown sends, "U not no killer my nigga y kev
4 didn't die so playin my nigga I kno u they beleave u I
5 don't."

6 "U got my money how I'm broke u broke."

7 Q And the conversation continues?

8 A From Robert Brown to Billy, "See u not real you
9 really think I need don't u my nigga u anit never did shit
10 for me never gave me 100 dollars all u did was miss Mike
11 my nigga."

12 "Who u killed that one nigga did u mean to no
13 fuck u."

14 "And I anit think about you killing shit or
15 shootin shit I'm not them niggas my guy been doing me
16 years befor I new u."

17 Q And the conversation continues on?

18 A It says from Billy -- I'm sorry, from Robert to
19 Billy, "U mad me happy with this one."

20 Billy responds, "He called me too that's funny
21 and money I threw that in da club 7 times at once I have
22 fenes and that's my money nigga I'll throw that shit in
23 ohio and see if u really want that u have a consensus
24 thank mommie without her where would you be u 33 never
25 been locked u still rocking girbauds and them trus I gave

1 u u get checks bro u play a role to get a check my nigga I
2 never got checks have you ever had 4 thousands like come
3 on u know what it is bro look at yo glasses bro don't
4 judge an nigga who u no u ain't fucking wit."

5 From Robert Brown to Billy, "Now I don't got to
6 see none of y'all."

7 Q I'm sorry, let me go back out. What do see we here?

8 A "Remember y'all went the other way we didn't plus u
9 didn't make I been on that shit like I said I don't need
10 u.

11 "Like I said I don't need u so what now u gone
12 let yo niggas kill me that cool my guy I no they happy
13 now."

14 Q Go to the next page, and the continued conversation.
15 Take it bit my bit. What do we see here?

16 A Message from Robert Brown to Billy Arnold, "Yep and
17 think u didn't give me none of that money u threw it in
18 the club I tried to help u and u so if that anit shit then
19 y you take it and all u do is lie my nigga and u no what
20 it is I'm not worried about u."

21 "Bro u a Bitch for real I no u u only act like
22 that with us my guy."

23 Billy responds, "Exactly, u can't say nothing,
24 can u u know ever word I said was real I've took loses on
25 shut u never seenbut still got fenes I can make 20 a week

1 that ain't shit u really don't have me mad I'm really
2 feeling good about my first son man great foreal but nawl
3 I got u a gun go get em Aj just call my bad he say only
4 hoe niggaz argue wit they konrads and told me to tell go
5 get somebody leave the crib."

6 **Q** And Aj, do you know who is that a reference to, Aj?

7 **A** It's a reference to Aaron Hayes.

8 **Q** And the next part of the conversation?

9 **A** These are all from Robert Brown to Billy Arnold,
10 "Bro fuck u that's not a lost to me I'm happy I don't got
11 to fuck with u no more thank u god."

12 "Only 16 hun that's all I new was on hoe shit
13 any ways."

14 "Tell him to tell the niggas to call bro to
15 leave the crib."

16 These are all from Robert Brown to Billy too.

17 "Any body else dead to me delete all they
18 numbers jig duck as everybody number."

19 "So Happy for u that's my baby to but I'm not a
20 hoe we can fight my nigga."

21 "I'll just wait till your real brothers not
22 there or when he get home."

23 **Q** We saw Jig and Duck in there. What does that
24 reference?

25 **A** Jig is Donell Hendrix. Duck is Devon Patterson.

1 Q And the conversation still continues May 4th, 2015.

2 A These are three additional messages from Robert
3 Brown to Billy Arnold.

4 "Talkin to me light that."

5 "Now I don't got to die with nigga that want DIE
6 for me."

7 "Tell aj don't get killed in there we really
8 don't no what niggas do in there he mite really be with
9 the bums now."

10 Q What do we see here?

11 A Three more messages from Robert Brown to Billy
12 Arnold.

13 "Hate it that u think I need u What have u done
14 4 me u really a hater my guy I really hate u."

15 "U always gun up to me never told u I'll shoot u
16 u say that shit to me hope u no I will kill you u if I
17 have to my guy."

18 "Talking that gun shit."

19 Q And what do we see here?

20 A Three more messages from Robert Brown to Billy
21 Arnold.

22 "An I'm about to move far away."

23 "U can do that when u get checks and pills my
24 guy."

25 "Hahahaha."

1 Q Looks like the conversation continues on. We'll
2 just take it three at a time. What do we see here --
3 actually, looks like there's one in between. Start with
4 the ones with Robert Brown.

5 A So Billy Arnold sends one to Robert Brown.

6 "Y I ain't heard no shooting yet just got a call
7 them boyz on Houston Whittier and hayes purple caddy
8 tented windows."

9 Robert Brown responds, "Send me a ride and I got
10 it I didn't get no call niggas don't rock wit me."

11 Q Houston Whittier and Hayes, have you heard of those
12 names before?

13 A Yeah. They're streets on the east side of Detroit.
14 It's also the area where Devon McClure was killed.

15 Q What do we see here?

16 A The first is a text message from Billy Arnold to
17 Robert Brown.

18 "What niggaz can't move when killa in here what
19 happened to stoleys last night and don't think a nigga
20 hoing u its facts like I always say I'm not sending shit
21 nigga I go myself I'm here at the hospital but I'm bout to
22 get out cause ops good I see niggaz just Want to harm me."

23 Q And what do we see?

24 A Response from Robert Brown, "Y u textin then tell yo
25 friend."

1 "U playin me but it's okay."

2 Q Okay. What do we see next?

3 A Billy responds, "Nawl ain't nobody helping me pay
4 this 625 I owe for damages but niggaz can't get cars my
5 bum ass though niggaz somt."

6 Robert Brown responds, "U got my 90 pills down
7 the way my guy u left my shit."

8 "What the fuck r u talkin about stop textin me
9 bro I'm out the game I'm soft."

10 Q If you could read up from there?

11 A Robert Brown texts, "I think I slow bro that's real
12 shit don't text my phone no more I don't fuck with u or
13 them."

14 Robert Brown -- Billy Arnold responds, "Oh, I
15 know I can't wait to all yall niggaz who think they low
16 get killed on my son I can't because I know that's how the
17 game go trust me watch what you say bro trust."

18 And Robert Brown responds, "So."

19 Q Okay. And this is a continued conversation. What
20 do we see here?

21 A Robert Brown texts, "A I'm bout to take all yo shit
22 back on Lamont I don't want u in my life no more I'm bout
23 to move to I'll even take yo guns over there I got money
24 my guy u say u can't wait to I die on yo son dam That
25 fucked me up rite there we done my guy."

1 "Dam I feel like u been wanted me dead now
2 that's y u always want to ride with dam u tryin to kill
3 me."

4 And Billy Arnold responds, "Nigga fuck u nigga u
5 stand for nothing throw that shit away nigga I ain't lose
6 bum ass nigga I that's ot travel guy I have more clothes
7 then u a ever have bum ass I never had 100 pills to myself
8 I played with 1000\$ of em and u older than me u 33 never
9 did a bid it shows who grind da hardest."

10 Q Okay. And what do we see here?

11 A These are messages all from Robert Brown to Billy
12 Arnold.

13 Says, "So what I don't care about the shit u
14 care about y u all ways want me to be like u."

15 "So u want me dead now ok."

16 "I don't grind I live my life and I was happy my
17 guy."

18 "U won I don't want to go to jail so I'm out."

19 "U let other niggas get out y I can't get out."

20 "Yea u got me fucked up."

21 Q These are all from Robert Brown to Billy Arnold, you
22 said?

23 A That's correct.

24 Q This last page here for this conversation, what do
25 we see here?

1 **A** Billy Arnold sends a text, "Because you u made me so
2 how u never fuck with me on money or nothing want u dead
3 I'm already got bums to cook u a different one u harmless
4 to me yall make excuses for what u not going do because u
5 still beef texting me but have not made one call to get
6 out u don't make me mad when u say I don't want to ride or
7 I'm scared I know u foreal u ain't off extacy pills this
8 time like u and fess taking x the other day I know u don't
9 got it in u that's y u 33 got to take pills tryst I know."

10 Robert Brown responds, "I took the pill after we
11 did that my guy."

12 "I didn't go in his house to we got back then I
13 took the pill that's y I did go the next time so u didn't
14 make been doing this shit."

15 **Q** Okay. What do we see here?

16 **A** These are text messages from Robert Brown to Billy.

17 "My guy yea I don't got it no more."

18 "I don't want it that's what it really is y'all
19 don't give a fuck about me u showin me that rite now."

20 "But I want text or call u no more I put that on
21 my son and God."

22 Billy responds, "Did what are u still guessing
23 if u and yall hit somebody u worse than my nigga ar land
24 is I know y u gave him da yoppa for a test it was cause u
25 knew we were riding for 3 of em but u know u testing

1 niggaz doe but I know it ain't in u u don't got to keep
2 repeating it I know."

3 Q All right. And what do we see here in the continued
4 conversation on May 4th?

5 A Two text messages from Robert Brown.

6 "Want text or call u no more u won and u don't
7 need u got killer."

8 "Killers."

9 Billy responds, "Be careful in da game we play."

10 Robert responds, "U want me in the game bad I
11 see I don't want to be berenzo my guy."

12 Q And this continued conversation?

13 A Billy sends that "Nawl I really hope you be careful
14 homie because niggaz who talk like u karma hit em so I
15 know u ain't lost nobody foreal but don't be shocked if it
16 start coming yo way."

17 Robert responds, "If it do I know it's u."

18 "Bro do u want it wit me."

19 "Just tell me we anit got to keep doing all this
20 textin shit the cops gone get this shit if u or me die so
21 stop textin me 5."

22 Q And what do we see here?

23 A Billy sends a text message, "I ain't going do shit u
24 harmless man its reallylike talking to a old miserable
25 lady on block u ain't talking about shit just got to

1 remind who u are."

2 Robert responds, "U Rite I'm back to my old man
3 life now if I get killed then I past cought up to me guess
4 it's god."

5 MS. FINOCCHIARO: Moving on from that Exhibit
6 20J. If we could go to 22E.

7 BY MS. FINOCCHIARO:

8 Q Okay. Just so we can get the date we're seeing,
9 these from Billy Arnold's phone. What is the date we're
10 seeing these screen shots?

11 A This is May 6th, 2015.

12 Q Okay. And how about this one?

13 A This one is May 6th, 2015 also. It's a photo, I
14 know it's not clear but it's a photo of Darnell Canady and
15 Derrick Peterson.

16 Q And if we go to the very top. What about this
17 photo?

18 A This is May 2nd, 2015. This is the photo that we --
19 when we attempted to zoom in it was just too blurry and it
20 was mapped out in a neighborhood.

21 Q So we can go -- looks like we have the photos in
22 bigger zoom here.

23 So this photo from 5-2-15, what are we seeing
24 here?

25 A This is a photo of ten different people here. I

1 can't identify all of them but can I identify the third
2 person from the left is Darnell Canady. The person in the
3 gray sweatshirt and gray sweat pants is Jeffrey Goodlett,
4 Fat Jeff. You got the second and third person from the
5 right are Michael and Martez Davis.

6 Q And what is the name of the account this comes from?

7 A This is from __tiffanymarie. There's one other name
8 I recognize here, trying to find him in the photo.

9 Q What are the numbers -- or, sorry, the names
10 referenced at the bottom there?

11 A @guy__fisher which is Patrick Johnson or Cane,
12 @twinmike, which is Michael Davis, and @twintaze, which is
13 Martez Davis.

14 Q Okay. And the next photo we saw?

15 A This is one that is the photo of Darnell Canady and
16 Derrick Peterson together. The comment with that photo
17 says, "My right hands manz."

18 Q What account is this from?

19 A This is from Gutta Neff.

20 Q This was found on Billy Arnold's phone?

21 A Yes, it was.

22 Q This last photo here, do you know who was in this
23 photo?

24 A I do not.

25 MS. FINOCCHIARO: If we go to Exhibit 20II.

1 BY MS. FINOCCHIARO:

2 Q Now, the top ones are from Matleah Scott. We
3 already saw those, but if we could go to the ones here.
4 What are the text messages we're looking at here? This
5 looks to be a different number.

6 A This is a text exchange between Billy Arnold and
7 Arlandis Shy.

8 Q Okay. And what date and time are we looking at?

9 A This is on May 7th, 2015 at 12:18.

10 The first is a message from Arlandis to Billy.
11 It says, "want me to see if gutta out n about."

12 Billy responds "Don't matter."

13 Q Gutta, have you heard that as part of your
14 investigation?

15 A Yes, I have. One of the names of the gangs is Gutta
16 Boys. We heard that Darnell Canady refers to him as Gutta
17 Bud. Djuan Page referred to himself as Gutta Neff.

18 Q At the top, we already saw the ones from Miss Scott,
19 but if you just read that first one there so we know that
20 the content of the conversation from 5-7-2015 at
21 1:09 p.m.?

22 A On 5-7-2015 to Billy sent a text to Matleah Scott.
23 "Sis u ain't see none of these targets yet.

24 "Hell naw I ain't even came out the house since
25 Saturday but I'm bouta leave out now hit a few corners but

1 them niggas be on promenade and courville by Denby."

2 And Billy responds, "Bet."

3 **MS. FINOCCHIARO:** Go to 23K, Mr. Arnold's
4 phone.

5 **BY MS. FINOCCHIARO:**

6 **Q** What are we looking at here in 23K?

7 **A** This is a multimedia message from Billy Arnold to
8 Quincy Graham.

9 **Q** Is that listed as Life?

10 **A** Yes. It says Life. It's stored in the contact list
11 as Life.

12 And it says -- the text says "But yall niggaz
13 worry bout putting up instagram quotes hoeing yallself."

14 And it's got a screen shot attachment to this
15 multimedia message.

16 **Q** And what was the date and time of this message?

17 **A** May 7th, 2015.

18 **Q** Go to the next page. What is the picture that Billy
19 Arnold sends?

20 **A** This is the photo that's attached in that multimedia
21 message. It's from the account __twinmike, which belongs
22 to Michael Davis.

23 **Q** Okay. Let's scoot up a little. And what do we see
24 in the photo?

25 **A** There's a bunch of individuals I can make out. The

1 person with the blue jeans and the brownish colored shirt
2 with middle fingers on both hands facing the camera is
3 Darnell Canady. You've got guys that are displaying, you
4 know, five fingers held out and then with the middle
5 finger, bottom one covering up their faces.

6 **MS. FINOCCHIARO:** So if we go to 20HH for
7 Mr. Arnold's phone.

8 **BY MS. FINOCCHIARO:**

9 **Q** Looks like we have a conversation here between that
10 same number and Mr. Brown 'is that right?

11 **A** Yes.

12 **Q** Okay. And when is this conversation occurring?

13 **A** This is occurring on May 7th, 2015.

14 **Q** Approximate time?

15 **A** Approximately 11:43 p.m.

16 **Q** So this is after date and time the last conversation
17 we just saw between him and Mr. Brown, right?

18 **A** Yes.

19 **Q** It was a later time. Okay. So what are we seeing
20 here?

21 **A** A message from Billy Arnold to Robert Brown, says,
22 "Mission Harper wood with dada."

23 **Q** Dada, have you heard reference to dada?

24 **A** I have. Dada was a name for Jerome Gooch.

25 **Q** Okay. And what else do we see here?

1 **A** We see a text message back from Robert Brown, says,
2 "Where u at."

3 And then Robert Brown sends another text
4 message, "Down there."

5 **Q** And what is the response to Mr. Brown?

6 **A** Billy responds, "Omw."

7 And then Robert Brown responds "Where you at
8 bro."

9 **Q** Give some context as to where we are, these messages
10 are the next day and that's May 8th, 2015, and who are
11 they between?

12 **A** They're between Matleah Scott and Billy Arnold.

13 Do you want me to read through them?

14 **Q** No. These are just the ones we saw before, but
15 these are the next day?

16 **MS. FINOCCHIARO:** Okay. If we could go to
17 the next page here.

18 **BY MS. FINOCCHIARO:**

19 **Q** Looks like these are May 9th, 2015. What number is
20 this conversation between Mr. Arnold with?

21 **A** This is from -- or the phone number is
22 (646)685-6282.

23 **Q** And were you able to determine whose number that was
24 associated with?

25 **A** That number was attributed to Derrick Kennedy.

1 Q Okay. And what do we see in this conversation
2 between Mr Kennedy and Mr. Arnold?

3 A Billy Arnold sends a text message -- this is a
4 string of text messages back and forth.

5 The first message sent from Billy to Derrick
6 Kennedy is "Dawg, I ain't trying to hear shit dawg I gotta
7 a nigga gone sell me a ar for 7 and it's an nigga now wit
8 a choppa too we getting both igot to get back down the way
9 get my shot dip don't play wit me right now man I know we
10 always talking shit but this block and I'm ready to die
11 right now."

12 Q And what is the continued conversation.

13 A Kennedy responds, "I love you got gb call me."

14 Q And the continued conversation?

15 A Billy responds, "In traffic not talking on my phone
16 wya."

17 Kennedy responds, "7 and conant at baber shop
18 with my ppl."

19 Q So May 9th, 2015, Billy Arnold is talking with
20 Derrick Kennedy?

21 A Right. He even calls him by his street name in that
22 first message.

23 Q We see references to AR and choppa; is that right?

24 A That's correct.

25 Q Go down to the next page here, the ones in between,

1 again, are from Matleah Scott. We've seen those.

2 Looking down here, continued on May 9th, 2015,
3 what do we see here and who this is between?

4 A This is Kennedy and Billy Arnold. The first is from
5 Kennedy to Billy Arnold. He says, "Bet."

6 He says, "Come on im ready this 4 sho."

7 Billy responds, "I'm 30 minute away but igot
8 someone ready now if u got 'em."

9 Q And that conversation continues?

10 A Kennedy responds, "Got em told you."

11 Billy responds --

12 Q Does it continue on?

13 A Billy responds "Where he at."

14 Kennedy says, "Pull up."

15 Q And what are we seeing here?

16 A These are three messages from Billy to Derrick
17 Kennedy.

18 "Nigga I just told u I'm 30 minutes away but I
19 got somebody right by u a pull up now dumb ass nigga."

20 "Dawg what's up man I keep telling you dawg stop
21 playing with me dawg what up."

22 "U at da same place."

23 Q And what do we see here?

24 A Kennedy responds, "Yea."

25 Arnold says, "Meet up with me I'm around now."

1 Q And what is his response?

2 A "Fest crib."

3 Q And the response to that?

4 A Arnold responds, "Omw."

5 Q This is on May 9th, have you seen references to the
6 name Fest?

7 A Yes, that's a nickname for Eugene Fisher.

8 Q These two messages here, looks like it changes to a
9 different number. What is this number here?

10 A That one is a message to Robert Brown on May 9th,
11 2:35 p.m.

12 Q And what is that to Robert Brown?

13 A A message is "Idk what da fuck going on cause niggaz
14 ain't tell me shot but I got to get something out yo crib
15 dawg."

16 Q And then what is the next message above that?

17 A Billy Arnold sends a text message to Kennedy, "Wya."

18 Q Okay. And this message to Mr. Brown's, 5-9-15 at
19 what time?

20 A At 2:35 p.m.

21 Q Look at the one up here, what is this text here?

22 A On May 9th, 2015 at 6:29, Billy Arnold sends a text
23 to Robert Brown, "My bad at fess."

24 MS. FINOCCHIARO: If we could go to 20GG,
25 again, with the text messages.

1 **BY MS. FINOCCHIARO:**

2 **Q** Looking at the bottom of the page here, what do we
3 see here?

4 **A** This is a text exchange between Billy Arnold and
5 Robert Brown. The first is a message to Billy Arnold, it
6 says, "Grandmom."

7 Billy responds, "Man I just hope u strap I'm
8 tired of loosing niggaz because niggaz don't be strapped
9 and in they own worlds real shit dawg."

10 And then Robert Brown responds, "Dbow do."

11 **MS. FINOCCHIARO:** Go to 22F.

12 **BY MS. FINOCCHIARO:**

13 **Q** And what is the date -- what do we see here first
14 off?

15 **A** These are photos that were on Billy Arnold's phone.
16 The top photo, from May 7th, 2015, is that photo in which
17 there's a bunch of individuals kind of covering up their
18 faces and flipping off the camera. I was able to identify
19 Darnell Canady in that photo.

20 The next two photos were screen shotted on
21 May 9th, 2015. Those appear to be screen captures from
22 the 000_Big_Blood Instagram account that were saved on
23 this phone.

24 **Q** Okay. Just to mix it up a little, I'm going to have
25 you step down because we're going to go through the actual

1 photos on Billy Arnold's phone.

2 Again, this is a photo that we've seen before;
3 is that right?

4 A Yes, that's correct. That's from Michael Davis'
5 Instagram account, the name is _twinmike.

6 Q Here, I'll give you the laser pointer. Point
7 anything out in there that you are able to identify.

8 A Sure. This is Djuan Page at the bottom here.

9 Q So this one is Djuan Page?

10 A Yes.

11 Q Okay.

12 A This is Jeffrey Goodlett.

13 Q We heard about him before; is that right?

14 A Yes. He goes by Fat Jeff.

15 Q Okay.

16 A This is 1Eye or William Blevin Healy.

17 Q We heard about him as well before?

18 A Yes, we did.

19 Q Who else do we need to identify in here?

20 A This is a photo with Michael Davis.

21 Q Can't really see it, but that's Michael Davis on the
22 right or the left?

23 A On the left.

24 Q And anyone else that we can see in this?

25 A Can you zoom in on this one here?

1 Q Sure.

2 A It's tough to tell.

3 Q Okay. Anyone else? How about this one right here.
4 Who are we seeing in this one right here that was on Billy
5 Arnold's phone?

6 A We see Michael and Martez Davis in this photo.

7 Q Okay.

8 A This is Phillip Peek, Peezy, in this center photo.

9 Q And these are rival gang members to SMB?

10 A Yes.

11 Q Okay. And what about this screen shot -- I'm sorry,
12 go ahead. You were going to continue.

13 A Can we zoom into this one real quick?

14 Q Sure. Although, it will probably be blurry.

15 But what are we seeing up here at the very top?

16 A The name is #fuckneffgang. "Eye shot all eye
17 shots." It's got eye emojis and then gun emojis.

18 Q Go ahead and take a seat.

19 MS. FINOCCHIARO: If we can go to 20EE.

20 BY MS. FINOCCHIARO:

21 Q Go back to Billy Arnold's text messages here. If we
22 go to the bottom, what are we seeing here in these texts?

23 A This is another text exchange between Robert Brown
24 and Billy Arnold.

25 Q When is the date and time of this text exchange?

1 A This is May 10th at 3:25 in the morning.

2 Q So we're going even later in time than what we've
3 previously seen?

4 A Yes, that's correct.

5 Q And what do we see here?

6 A The first is a message to Robert Brown from Billy,
7 says "What's the word."

8 Robert Brown responds, "It's good."

9 Billy says, "Let's get it nigga hell yea let's
10 wrap it up."

11 And then Robert Brown responds, "On my way out."

12 Q What time was that the last text message?

13 A 3:26 a.m.

14 Q And do you recall what time the shooting was on
15 May 10th, 2015?

16 A It was approximately 1:40 p.m.

17 Q Look at the next three lines here. What are we
18 seeing here on these text messages from Billy Arnold's
19 phone?

20 A The first is a message to Quincy Graham. It says,
21 "Upload Blick murder verse when he say y they do my baby
22 like that my baby like that."

23 Q And this is from Billy Arnold to Quincy Graham?

24 A That's correct, at 4:56 p.m.

25 Q So would this be after the time of the shooting on

1 May 10, 2015?

2 A It would be almost three and a half hours later.

3 Q Okay.

4 A And then --

5 Q What else do we see here?

6 A He sends a message to Diondre Fitzpatrick, "Upload y
7 they do my baby like that my baby like that block verse."

8 Q Okay.

9 A Diondre Fitzpatrick responds, "How do I get the
10 song??"

11 Q And it's listed under the nickname Nice for Diondre
12 Fitzpatrick; is that correct?

13 A That's correct.

14 Q So we're still on May 10th of 2015 later in the
15 evening at 5:03. What are we seeing here?

16 A Billy Arnold sent a text to Diondre Fitzpatrick,
17 "Utube."

18 And he sends another message to Quincy Graham
19 saying, "Damn yall niggaz scared well upload my video off
20 ro page wit peezy@."

21 Quincy Graham responded, "I didntknw wat uwas
22 sayin do."

23 Q And then what's the next text message?

24 A He sends a text message to Derrick Kennedy, "Put
25 both videos on their."

1 Q Looks likes this is a continued conversation. What
2 are we seeing here?

3 A Kennedy responds, "Aight."

4 Quincy Graham responds, "I'm not even following
5 ro."

6 So then Billy sends a text back to Quincy
7 Graham, "Vile page."

8 "Put word for word and gun emoges."

9 Q And what are we seeing here as part of this same
10 conversation?

11 A He sends two more text messages to Kennedy, "But
12 word for word with gun emoges."

13 "Asap."

14 And then he sends a text message to Quincy
15 Graham, "Asap." Those are all May 10th.

16 Q All May 10th?

17 A Yes.

18 Q We have a couple from Matleah Scott. If you could
19 read the one at the top we haven't read yet. And what
20 date and time is that, that's not from Mrs. Scott?

21 A On May 10th, there's a message sent to Robert
22 Brown's phone number at 8:39 p.m. Says, "Omw back."

23 Q Again, this is still on May 10th, you said?

24 A That's correct.

25 **MS. FINOCCHIARO:** Okay. If we could go to

1 20FF.

2 **BY MS. FINOCCHIARO:**

3 Q And who is Billy Arnold having a conversation with
4 here? It looks like it's still on May 10, 2015.

5 A This is a conversation with Robert Brown. He sends
6 a text at 8:43 p.m. "Did you hear me dawg."

7 Robert Brown responds, "Ok my alarm was going
8 off had to go home."

9 "U still n a car."

10 Q Continuing on the same conversation with Mr. Brown
11 and Mr. Arnold.

12 A Billy Arnold sends a text message to Robert Brown,
13 "Yep what dawg talking about information nigga."

14 And Robert Brown responds, "Rite I need a ride."

15 And then Billy Arnold sent another text message,
16 "What he talkin bout."

17 Q Okay. Going further in this conversation, what are
18 we seeing here?

19 A Billy sends a text message to Robert Brown, "U
20 called em see what up."

21 Robert Brown responds, "Who dip or mike."

22 Billy responds, "Shawn what he talking about."

23 Robert Brown responds, "Talk bout he called dp
24 and asked dum nigga."

25 Q So references to Dip or Mike do you know as part of

1 your investigation what that references to?

2 A Dip is a name for Derrick Kennedy, and there's been
3 references to Michael Rogers in this case.

4 Q How about the references to Shawn?

5 A I'm not sure who that's reference to.

6 Q The final text message he called DP, the reference
7 to DP, are you aware of that?

8 A Derrick Peterson went by the street name DP.

9 Q Continuing the conversation between Mr. Brown and
10 Mr. Arnold, what do we see here?

11 A Message from Robert Brown to Billy Arnold, says,
12 "Naw Mike on bs."

13 "Dog stay it's rite Mike talking dum."

14 Billy Arnold responds, "What."

15 Robert Brown says, "Omw now."

16 "I'm here."

17 Q What time is the "I'm here" text message?

18 A Ten minutes after the "Omw now" at 9:26 p.m. on
19 May 10th.

20 Q And what do we see here, the rest of that
21 conversation?

22 A Billy sends a text message to Robert Brown, "Same
23 place fes."

24 Robert Brown responds, "Yea."

25 Billy responds, "Omw."

1 And Robert responds, "Ok."

2 Q The reference to Fess there?

3 A Eugene Fisher.

4 MS. FINOCCHIARO: If we can go to Exhibit
5 20DD.

6 BY MS. FINOCCHIARO:

7 Q What date and time do we have here?

8 A This is May 11th, 2015 between 12:21 p.m. and
9 12:23 p.m.

10 Q And who is the conversation with?

11 A This is a text exchange between Billy Arnold and
12 Quincy Graham.

13 Q All right. And what do we have in the text here?

14 A The first is a sent message to Quincy Graham, says,
15 "223s, 40s 762 bullet s get at lease 3 of each."

16 Q Okay. That was to Quincy Graham from Billy Arnold?

17 A Correct.

18 Q And what is the response?

19 A Graham responds, "Ok we all needto change r
20 numbers."

21 Q Okay.

22 A Billy responds, "No doubt I need them one phones u
23 be having."

24 Quincy Graham respond, "Ok cuz my otger phone on
25 some bs."

1 Q So this is at 5-11-2015 and 12:21 p.m.; is that
2 right?

3 A That's correct.

4 Q And this would be the day after the shooting on
5 Mother's Day?

6 A That is correct, the one that occurred on State Fair
7 and Hoover.

8 Q And what do we see also on May 11th?

9 A There are two messages from Billy Arnold to Robert
10 Brown. The first is "Pull up asap."

11 "I don't got his number."

12 Q Looks like the conversation up here is with a
13 different number. What is the number Billy Arnold was
14 texting with here?

15 A The number he's texting is (313)948-2154.

16 Q Okay. And when is this conversation occurring?

17 A On May 11th, 2015 at 2:03 p.m. to 2:06 p.m.

18 Q I'm sorry 2:03 --

19 A Through 2:06.

20 Q Through 2:06. And what are we seeing here in the
21 conversation?

22 A A message coming to Billy Arnold, says, "I'm off
23 work right here on Morgan n notthingham."

24 Billy responds, "I'm leaving the car place now
25 damn they took all day I'm bout 3 minute away."

1 Response to Billy is "OK I'm waiting on you, we
2 gotta be its tint on the windows."

3 Billy responds, "Not dark dark but u a hear
4 about them niggaz."

5 Q And this number, were you able to associate this
6 number with anyone?

7 A I'm not certain, off the top of my head.

8 Q Going to the next page, looks like the conversation
9 continues with Mr. Arnold with that same number. What is
10 the content of the conversation?

11 A From that person to Billy Arnold, "That's cool, I
12 just gotta tell you the shit I know the spots I know abt."

13 Billy responds, "Ok I got u."

14 The person in the text, "Fr Man they took are
15 Ryder he was beyond loyal to niggas now its time to ride n
16 be loyal to him for real."

17 Billy responds, "U must ain't heard or know who
18 u talking to."

19 The exchange continues.

20 Q What do we see May 11, 2015?

21 A This person texts Billy Arnold, "Dogg, I been trying
22 to talk to u get in touch with u like crazy some shit
23 gotta shake I'm use to my niggas making noise."

24 Then he sends another text, "This you outside in
25 this white truck."

1 Billy responds, "Nawl."

2 Person sends another text, "I see now, it was a
3 customer if u can't come I'll leave n meet you u somewhere
4 cause I'm off work n don't wanna just be sitting here."

5 Billy responds, "Yea because 94on some
6 bullshit."

7 Q Okay. Looks like Billy has a conversation with a
8 different number. Who do we see here?

9 A This is a message sent to Quincy Graham. It says,
10 "What up you got the hook ups."

11 Q And in your investigation, have you heard the term
12 "hook ups" used before?

13 A Yes. There's text messages from Billy Arnold to
14 Eugene Fisher on September 26th, 2015.

15 Q Okay. This one is May 11, 2015 at 4:39 p.m.; is
16 that right?

17 A Yes, it is.

18 Q Okay. Go to the top here. Who is this text
19 conversation with?

20 A This is a text exchange between Robert Brown and
21 Billy Arnold.

22 Q And when is this occurring?

23 A This is May 12th, 2015 at 5:27 p.m. through about
24 5:38 p.m.

25 Q Okay. What do we see here?

1 **A** Billy sends a text, "Yall good."

2 Brown responds, "Yea picked up dbo."

3 Billy responds, "No doubt."

4 Brown responds, "Trust."

5 And then Billy sends, "Brib."

6 **MS. FINOCCHIARO:** If we could go to Exhibit
7 20CC.

8 **BY MS. FINOCCHIARO:**

9 **Q** So what date and time are we looking at here for
10 texts from Mr. Arnold's phone?

11 **A** This is May 13th, 2015, an exchange between Billy
12 Arnold and Quincy Graham between 6:45 p.m. and 7:01 p.m.

13 The first is from Quincy Graham to Billy Arnold,
14 says "At benni snoop just walked in."

15 Billy Arnold responds, "Want me up there."

16 Graham responds, "Naw im strap is cool tht's hot
17 out here im jus letting u knw."

18 **Q** Okay. Snoop, we saw a reference earlier to "snoop";
19 is that right?

20 **A** Snoop is a rapper, a rival.

21 **Q** And we've seen here today references to "strap"; is
22 that right?

23 **A** That's correct.

24 **MS. FINOCCHIARO:** If we go to 20BB.
25

1 BY MS. FINOCCHIARO:

2 Q And what are we seeing here?

3 A This is a message from Jeffrey Adams to Billy
4 Arnold. This is the same number that was used on the
5 000_Big_Blood account.

6 Q Okay. And when was this sent?

7 A May 14th, 2015 at 1:34 a.m. It says, "Get at me
8 asap in da morning I got sum shit 2 tell shit brazy."

9 Q It looks like there's further conversation with
10 Mr. Adams. What are we seeing here?

11 A Arnold responds at 9:07 a.m., "What up."

12 Adams, short time after that, "Tryna meet up wit
13 u."

14 And Billy responds, "Ro house."

15 Q And RO, as we've said, is reference to Mr. Brown; is
16 that right?

17 A That's correct.

18 Q So what is the conversation?

19 A Adams responds, "Alrite."

20 Q I cut off some. I apologize. What do we see here?

21 A Adams responds to Billy "Alrite."

22 Billy, five minutes later, sends a text, "Wya."

23 Adams responds, "Finna pull up."

24 At 9:49, Billy sends a text message, "Wya now
25 bitch I'm waiting on u."

1 **MS. FINOCCHIARO:** Okay. So if we could go
2 through 20Z.

3 **BY MS. FINOCCHIARO:**

4 **Q** And these are with Matleah Scott, we saw, but just
5 to give context at which point she's texting him. What
6 date and time do we see this conversation?

7 **A** This is May 15th, 2015 at 4:34 p.m.

8 **Q** Okay. And what is she saying to Mr. Arnold at this
9 time?

10 **A** "Be careful out there them niggas riding 3 cars
11 deep."

12 **MS. FINOCCHIARO:** And if we go over to 20Y.

13 **BY MS. FINOCCHIARO:**

14 **Q** What are we seeing here for 20Y?

15 **A** Four text messages sent from Billy Arnold to Derrick
16 Kennedy between 7:42 p.m. and 8:10 p.m. The first is,
17 "Call me asap on the floor."

18 Second "Call me I need these plays I gotta pay
19 some shit."

20 Third, "He been waiting 30 minute now way let's
21 take care of em."

22 Last message, "let's take care of em."

23 **MS. FINOCCHIARO:** If we could go to Exhibit
24 20X.

25

1 BY MS. FINOCCHIARO:

2 Q And what are we looking at here, this is a
3 conversation between Mr. Arnold and what number?

4 A The number is (248)573-9545.

5 Q Were you able to associate this number with an
6 individual?

7 A Yes. This number was saved in Andrew Thomas'
8 contact list under the name Jig.

9 Q And we've known Jig to be associated with or you
10 know through your investigation?

11 A Donell Hendrix.

12 Q Okay. So what is the information -- I'll get a
13 little closer here.

14 A The first.

15 Q There's a lot of information here. It's all with
16 the same number?

17 A This is an exchange on May 16th, 2015, between
18 6:14 p.m. and 6:17 p.m. This message was an incoming text
19 from Hendrix to Arnold.

20 It says "Jus wanted to say I love u nigga I no
21 iorit b around I'm jus fokused my nigga but niggas like
22 you Vill brick r.o. chino nice o smokey, popa when I see
23 y'all niggas I see him I love y'all that block shit did
24 sumthin to me man...I love u dawg I'm omw to this Soo
25 Detroit mag interview imma hit you up later...and watch

1 these hoes please bro #watchem #Change yo number asap."

2 Q Does Mr. Arnold respond to Mr. Hendrix?

3 A Yes. He responds, "Alright talk about me in that
4 bitch bro let em know bro I usually don't do this but me
5 block whytes dawg speak that street shit 212."

6 Q What's the response?

7 A "U already know #204."

8 MS. FINOCCHIARO: Go to 20W.

9 BY MS. FINOCCHIARO:

10 Q And this is a number we saw before; is that right?
11 What number is that?

12 A (313)948-2154.

13 Q Okay. And what is the information we see here
14 between Mr. Arnold and that number?

15 A May 17th, 2015, 1:23 p.m. It's an incoming message
16 to Billy Arnold, says, "Yo I just got a call saying Niggas
17 dangling on bitch mile troster store."

18 Q And Troster we saw before is a street on the east
19 side; is that right?

20 A That's correct. That was a street that Raphael
21 Carter was shot on.

22 MS. FINOCCHIARO: Your Honor, I do have some
23 more to do. It's been a long stretch here. Is it okay if
24 we break for today?

25 THE COURT: Oh, yes. That would be fine.

1 See you all tomorrow morning.

2 (Jury out 12:56 p.m.)

3 - - -

4 C E R T I F I C A T I O N

5 We, Ronald
6 DiBartolomeo and Andrea E. Wabeke, official court reporters for
7 the United States District Court, Eastern District of Michigan,
8 Southern Division, appointed pursuant to the provisions of
9 Title 28, United States Code, Section 753, do hereby certify
10 that the foregoing is a correct transcript of the proceedings
11 in the above-entitled cause on the date hereinbefore set forth.
12 We do further certify that the foregoing transcript has been
13 prepared by us.

14 /s/Andrea E. Wabeke, 7/23/2018
Official Court Reporter

15 /s/Ronald DiBartolomeo, 7/23/2018
Official Court Reporter

16 - - -